



Personnel Policies and Procedures Manual

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	Personnel Policies and Procedures Manual	Introduction: Section 1.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Purpose of Personnel Policies and Procedures	Applicability: All Employees	
Reference(s):		

I. Policy

All policies herein are subject to revision by Diné College Board of Regents and employees will be required to sign a document confirming their responsibility to read and comply with the policies, including any future revisions. These policies apply to all employees from the date of its adoption and supersedes any and all prior personnel policy manuals. Diné College may alter, eliminate, or add to any of the provisions of the manual at any time, and such alterations, eliminations, or additions shall apply to all employees effective upon Board of Regents approval. All revisions or updates to the Personnel Policies shall be published or posted on the Diné College website.

The Personnel Policies governs the employment practices of Diné College, hereinafter “The College.” It provides a definitive source of relevant policy positions of the College in order to ensure that policies are interpreted and applied consistently and fairly. The Director of Human Resources or his/her designee is responsible for interpreting and applying policy in a fair and prudent manner.

II. Procedures

There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Acknowledgement Form: Receipt of Personnel Policies and Procedures

4. Dining College Values


A. **Tāhū hō āpō eke**— Excellence and self-initiative in problem solving, compassion, setting clear goals, and establishing positive working relationships

C. **Hł́dli** – Respecting the cultural, racial, and gender diversity of the Diné People, maintaining safe, courteous, respectful, and positive learning environments and valuing inclusiveness.

D. Tł'ehózin – Understanding, thoughtfulness, competence, confidence, conscientiousness, and reflectivity for serving the needs of the Diné People.

IV. Form(s) and/or Equipment

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	Personnel Policies and Procedures Manual	Introduction: Section 1.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Non-Discrimination and Harassment		Applicability: All Employees
Reference(s):		

I. Policy

Diné College prohibits discrimination against any individual on the basis of race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation, gender identity, genetic information, military service, pregnancy or pregnancy-related condition, or because of marital, parental, or veteran status. This policy extends to all rights, privileges, programs, and activities, including admissions, financial assistance, educational and athletic programs, housing, employment, compensation, employee benefits, and the providing of, or access to, College services or facilities.

The College confirms that this provision of the manual by its reference to applicable federal and tribal laws prohibits and condemns any retaliation or interference of any kind against any employee engaging in the exercise of free speech or in activities protected by federal or tribal laws.

Upon request, the College will provide reasonable accommodations to individuals with disabilities with regard to conditions of employment as provided by applicable federal and tribal laws.

Diné College has developed detailed procedures, described in its Complaint Procedures for Discrimination or Harassment, by which individuals may bring forward concerns or complaints of discrimination and harassment. Retaliation against any individual who brings forward such a complaint or who cooperates or assists with an investigation of such a complaint is both unlawful and strictly prohibited by Diné College.

II. Procedures


Procedures on Complaint Procedures for Discrimination or Harassment can be found in Section 4.19 of the College's Personnel Policies and Procedures Manual.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Introduction: Section 1.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Sexual Misconduct/Title IX		Applicability: All Employees
Reference(s):		

I. Policy Statement

Diné College is committed to providing an environment that is free of sexual misconduct. This policy applies to all faculty, staff, students and third parties, regardless of sexual orientation or gender identity. Sexual misconduct represents a serious threat to the well-being of all individuals on Diné College campuses or centers and will not be tolerated. Diné College requires all employees, students and third parties to report suspected violations of this policy whether or not the alleged conduct occurred on or off campus. The College will not tolerate sexual harassment, violence, assault, or retaliation as defined below and is committed to preventing it or stopping it whenever it may occur at the College or in its programs. Changes to the applicable law shall supersede this policy.

1. Title IX Statement

It is the policy of Diné College to comply with Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex in Diné College's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination.

2. Violence Against Women Act (VAWA) Statement

It is the policy of Diné College to comply with the federal Violence Against Women Act amendments to the Clery Act and the corresponding regulations. VAWA imposes additional duties on colleges to investigate and respond to reports of sexual assault, stalking, and dating and domestic violence, and to publish policies and procedures related to the way these reports are handled.

3. Prohibited Sexual Misconduct

A. Sexual Harassment

Conduct on the basis of sex that constitutes one or more of the following activities:

- i. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College program or activity. Conduct that may, under certain circumstances, meet this standard could include depending on the circumstances, but is not limited to
 - Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
 - Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person. Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender. Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
 - Written graffiti or the display or distribution of sexually explicit drawings,

- pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or Web sites of a sexual nature. (For more information on misconduct using the College's computing facilities, please see the Information Technology Policies Manual.)
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
 - Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
 - Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
- ii. *Quid Pro Quo* Harassment: A College associate conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct. Examples of *quid pro quo* sexual harassment include:
- Offering employment or educational benefits in exchange for sexual favors.
 - Threatening or taking negative action in the event of having sexual advances denied and/or after having sexual advances denied, such as a professor threatening to fail a student unless the student agrees to date the professor
 - Sexual assault: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. This includes:
 - Rape: The penetration, no matter how slight, of a person's 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.
 - Fondling: Touching the private body parts of another person for the purpose of sexual gratification, without that person's consent, for the purpose of sexual gratification.
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory rape: Sexual intercourse with a person who is under the legal age of consent.
- iii. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: 1) The length of the relationship; 2) The type of relationship; and 3) The frequency of interaction between the persons involved in the relationship.
- iv. Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a person, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence

laws of the jurisdiction.

- v. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
- B. Sex discrimination and/or gender discrimination: Treating an individual unfavorably or adversely based upon that individual's sex and/or gender in the context of educational or employment activities, programs, or benefits, such as in admissions, hiring, selection for and/or participation in projects, teams, or events, provision of wages or benefits, selection for promotions, etc.
- C. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent.

Examples of behavior that could rise to the level of sexual exploitation include:

- i. Prostituting another person;
 - ii. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
 - iii. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
 - iv. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
- D. Retaliation

Retaliation prohibited under this Policy includes threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for violation of this Policy or any part of the Student Code of Conduct that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy constitutes retaliation.

The exercise of any rights protected under the First Amendment does not constitute retaliation. Charging an individual with a violation of this policy or a Code of Conduct violation for making a materially false statement in bad faith in the course of a proceeding under this policy does not constitute retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

II. Definitions

1. Consent

In order to give effective consent, a person must be of legal age. Consent means a voluntary and informed agreement to engage in sexual activity. Consent can be withdrawn at any time. The following list details situations where consent is invalid. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity.

- A. A person who is incapacitated, unconscious, or asleep cannot give valid consent. A person with an intellectual disability may not be able to give valid consent.
- B. Valid past consent does not imply future consent. In other words, each instance of sexual activity is looked at separately to determine if there was consent by all parties.
- C. Silence or failure to resist does not imply consent.

2. Force

Additionally, the use of force or threats to obtain consent renders the consent invalid. The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this policy force includes the use of any of the following:

- A. Physical Force
- B. Coercion – is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, or emotional intimidation.
- C. Intimidation, Implied Threats and/or Threats

3. Incapacitation

Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.

III. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services the College offers victims and the accused as appropriate, as reasonably available, and without fee or charge before or after the filing of a Formal complaint or where no formal complaint has been filed. Such measures are designed to provide equal access to the College's education program or activity without causing an unreasonable burden, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive measures provided to the victim or accused, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

1. Title IX Coordinator(s)

Diné College's Title IX Coordinators are:

Glennita Haskey, Vice President of Student Affairs
Office: Student Success Building, Tsaile Campus
Email: ghaskey@dinecollege.edu
Phone: (928) 724-6860

And

Dr. Perphelia Fowler, Director of HR
Office: 230A NHC Building – Tsaile Campus
Email: pfowler@dinecollege.edu
Phone: (928) 724-6603

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 electronic mail, using the contact information listed for these Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

The Title IX Coordinators are responsible for coordinating the College's prevention of and response to sexual harassment and sexual violence, as well as for addressing any questions or inquiries regarding how the College applies federal Title IX law and regulations. The Title IX Coordinators have many responsibilities as part of their job of ensuring the College complies with the law. The Title IX Coordinator has the primary responsibility for:

- A. Receiving reports and Formal Complaints regarding sexual misconduct;
 - B. Signing a Formal Complaint where the victim is unwilling or unable to do so in cases where a formal complaint is necessary to ensure equal access to the College's program and activities;
 - C. Providing information to students about resources and support services available;
 - D. Designation of an Investigator
 - E. Issuing supportive measures;
 - F. Carrying out restorative remedies to Complainants when directed to do so upon conclusion of a hearing;
 - G. Overseeing the processes in this Policy in a neutral and impartial fashion;
2. Investigator
- The Investigator is ordinarily a member of the College's Department of Human Resources specifically trained in sexual misconduct investigations to conduct a prompt, thorough, and fair investigation of any sexual misconduct complaint against a College faculty or staff member, affiliate, or a non-affiliate.
3. Confidentiality

Examples of individuals who can offer confidentiality:

- A. Medical providers

- B. Lawyers providing legal advice
- C. Licensed mental health counselors, psychologists, and social workers
- D. Pastoral counselors (e.g., priests and other clergy members)
- E. Local rape crisis centers and other confidential community resources

As noted above, when a victim speaks to an off-campus individual offering confidentiality, the College may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. In those circumstances, confidential counselors and advocates will still assist the victim in receiving other necessary protections and support, such as victim advocacy services, academic support or campus accommodations, disability services, health or mental health services, and changes to living, working, or course schedules (*i.e.*, “supportive measures”).

At any time, a victim who initially requests confidentiality may also decide to file a Formal Complaint with the College and/or report the incident to campus security, law enforcement, and/or State Police. In all cases where a victim submits a Formal Complaint to the College, the College will investigate the allegations.

If the College determines that the accused poses a serious and immediate threat to the College community, law enforcement may be called upon to issue a timely warning to the community. Any such warning would not include the victim’s name or any information that identifies the victim.

4. Privacy

Privacy cannot be offered by a College employee who is unable to offer confidentiality due to their legal obligation to report known incidents of sexual assault or other crimes to the Title IX Coordinator. Even College associates who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a College employee will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

5. Accused

A person accused of sexual misconduct or another violation of this policy.

6. Victim

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct or other activity that would constitute a violation of this policy.

7. Bystander

Bystander includes any person who witnesses or learns about sexual misconduct or another violation of this policy who is not themselves the victim or person subjected to the sexual misconduct.

Bystanders are welcome and encouraged to report incidents of sexual misconduct that they have witnessed or learned about. If your friend is a victim of sexual misconduct, please encourage them to reach out for help.

8. Complainant

An individual who submits a “Formal Complaint” alleging sexual misconduct or another violation of this policy whether he or she is alleged to be the victim of such alleged activity.

9. Respondent

A person accused in a “Formal Complaint” of sexual misconduct or another violation of this policy.

10. Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct or another violation of this policy against a Respondent and requesting that the College investigate the allegation(s). At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in an education program or activity of the College. A Formal Complaint may be filed with the designated Title IX Coordinator for the College location in person, by mail, or by electronic mail, by using the Title IX Coordinator contact information listed in this policy. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this policy.

In instances where there exist allegations of sexual misconduct or another violation of this policy against more than one Respondent or by more than one Complainant against one or more Respondents, or by one party against the other party, the Title IX Coordinator may consolidate Formal Complaints if the allegations of sexual misconduct or other violation arise out of the same facts or circumstances.

IV. Scope of this Policy

The prohibitions and protections in this Policy apply to locations, events, and circumstances over which the College exercises substantial control over both the accused and the context in which the alleged sexual misconduct occurs and also includes any building owned or controlled by a student organization that the College officially recognizes. Consequently, this policy applies to on and off-campus activities and electronic and online activities so long as the alleged sexual misconduct took place on a location or in an event or circumstance over which the College exercises substantial control.

V. Procedures

These Procedures outlined below will be used to investigate and resolve all reports and complaints of sexual misconduct against Diné College students, faculty and staff members, affiliates, and non-affiliates, as appropriate. For purposes of the College’s Sexual Misconduct/Title IX Policy and these Procedures, an “affiliate” includes, but is not limited to, visiting scholars and post-doctoral fellows who are not otherwise classified as Diné College faculty, staff, or students.

All other complaints not covered by this Policy for discrimination or harassment against faculty and staff members and students, including but not limited to those based on race, color, creed, religion, ethnic origin, age, sex, disability, and sexual orientation, will be resolved using the College’s Complaint Procedures for Unlawful Discrimination or Harassment.

1. Rights of the Parties

These Procedures for the investigation, adjudication, and resolution of sexual misconduct reports and complaints brought against students, faculty, staff, affiliates and non- affiliates are designed to be accessible, prompt, fair, and impartial. Throughout this process, both the victim and the accused:

A. To be treated with respect, dignity, and sensitivity.

- B. To receive appropriate supportive measures from the College.
- C. Privacy to the extent possible, consistent with applicable law and College policy.
- D. Information about the College's Sexual Misconduct/Title IX Policy.
- E. A prompt and thorough investigation of the allegations.
- F. Notification, in writing, of the case resolution, including the outcome of any appeals.
- G. A report of the incident to law enforcement can be made at any time.

2. Preliminary Matters

A. Effect of Criminal Proceedings

The filing and processing of a report or complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Diné College will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation, although the College may delay temporarily these procedures for good cause including a delay needed because of pending law enforcement activity. Neither law enforcement's decision whether to prosecute an accused nor the outcome of a criminal prosecution is determinative of whether sexual misconduct occurred under the College's Sexual Misconduct/Title IX Policy.

B. Advisor

Upon the submission of a Formal Complaint, the Complainant and Respondent *may each choose* to be accompanied to any interview, meeting or hearing related to these Procedures by an Advisor, who may provide support during such interview, meeting or hearing. During meetings and interviews, the Advisor may quietly confer or pass notes with the party in a non-disruptive manner. The Advisor may not intervene in a meeting or interview, or address the Investigator. Should the matter proceed to a hearing, both the Respondent and Complainant will have the opportunity to present evidence in his/her defense and to inspect and review evidence be accompanied by an advisor of his/her choice. If a Complainant or Respondent does not have an Advisor present at the hearing, the College *will* provide an Advisor of the College's choice without fee or charge to that party. Such Advisor may be, but is not required to be, an attorney.

C. Time Frame for Complaint Resolution

The College will seek to resolve every report of sexual misconduct within forty-five (45) business days of the start of an investigation, not counting any appeals. Time frames may vary depending on the complexity of a case and the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The College may extend any time frame for good cause, with a written explanation to the complainant and respondent.

3. Reporting Misconduct and Filing a Formal Complaint

A. Disclosing to the Title IX Coordinator

A victim may wish to tell someone about an incident of sexual misconduct but isn't yet sure whether he or she wishes to have official action taken against the individual who committed it. Victims have the option to report (tell someone about) an incident without being obligated to file a Formal Complaint. Whether a victim chooses to report or chooses to formally file a Formal Complaint about an incident, the victim has the right to be protected by the College from retaliation and the right to receive assistance and resources (supportive measures) from the College.

It should be emphasized here that anyone can report sexual misconduct, even third parties and reports are not required to be in writing. However, if the victim is not identified, the College will not be able to provide supportive measures. The College will maintain confidential the identity of any individual who has made a report or submitted a Formal Complaint of sexual misconduct, any accused or Respondent, and any witness, except as may be permitted by FERPA, or as required by law, or to carry out the purposes of the Title IX of the Civil Rights Act regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations. Complaints alleging retaliation may be filed according to the grievance procedures in this policy.

When the Title IX Coordinator becomes aware of an incident of sexual misconduct, the Coordinator will promptly contact the victim or other reporting individual to discuss the availability of supportive measures, consider the victim's wishes with respect to supportive measures, provide information of the availability of supportive measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint. The Title IX Coordinator is the person with whom a victim would file a Formal Complaint regarding sexual misconduct, if the victim wishes to do so. Upon receiving a Formal Complaint, the Title IX Coordinator will designate an Investigator to investigate the incident to determine whether the alleged conduct, if proven to be true, would constitute "sexual harassment" or "retaliation" as defined in this policy or otherwise constitutes "prohibited behavior" in this policy. The Investigator will also ensure that at the time of filing the Formal Complaint the victim is participating or attempting to participate in the College's education program or activity in the capacity as a student or employee, otherwise this policy does not apply to them.

If the Investigator determines that the alleged conduct, if proven, does not constitute "sexual harassment" or "retaliation" as defined in this policy, then the Investigator will assess whether the conduct constitutes other prohibited behavior. If the alleged conduct does not constitute any "prohibited behavior," the Investigator will dismiss the Complaint. If, however, the alleged conduct constitutes "prohibited behavior," the Investigator will investigate and commence the appropriate College disciplinary process against the accused, if that individual is a student or employee. The Title IX Coordinator will also offer the victim supportive measures as defined in this policy.

Victims can also report sexual misconduct to the Title IX Coordinator even if they do not want an investigation to occur. Such a report can be submitted anonymously or not anonymously. However, if the victim reports anonymously, the College will not be able to provide the victim supportive measures. If the victim reports without anonymity, the Title IX Coordinator will nevertheless maintain the confidentiality of any supportive measures provided to the victim (and the accused if such measures are provided to him or her) to the extent maintaining such confidentiality will not impair the ability of the College to provide such measures. All victims who report sexual misconduct will receive supportive measures and instructions on how to file a Formal Complaint should he or she decide to do so. Although the Title IX Coordinator is not a confidential resource, reporting an incident to the Title IX Coordinator while expressing one's wish for no investigation to occur is known as a "confidential report" to the Title IX Coordinator. In these cases, the Title IX Coordinator will first ask the victim's permission before beginning an investigation and commencing the appropriate disciplinary process. If the victim declines to give permission, the Title IX Coordinator will honor the victim's decision and will not investigate the report, except in

circumstances where failing to investigate would prevent the College from providing a safe and non-discriminatory environment for all members of the College community. In those cases, the Title IX Coordinator could file a Formal Complaint and commence an investigation and, if appropriate, a disciplinary process, as well, although the victim would not be obligated to participate in the investigation or the disciplinary process. In cases where the Title IX Coordinator, rather than the victim, files a Formal Complaint, the Coordinator will nevertheless treat the victim as a party to the process. Whatever the victim decides, the Title IX Coordinator will still offer the student supportive measures.

4. Disclosing to Someone Other than the Title IX Coordinator

Incidents can also be disclosed to College employees other than the Title IX Coordinator, if the victim prefers to do so. College employees are required to notify the Title IX Coordinator when an incident of sexual misconduct is disclosed to them, in order to protect the safety of other people on campus and so that the Title IX Coordinator can reach out to the victim to offer help, support, and information about filing a Formal Complaint if the victim desires. If the victim reports the incident to the College associate anonymously, the College will not be able to provide the victim supportive measures. If the victim reports the incident to the College employee without anonymity, the Title IX Coordinator will nevertheless maintain the confidentiality of any supportive measures provided to the victim (and the accused if such measures are provided to him or her) to the extent maintaining such confidentiality will not impair the ability of the College to provide such measures. The information disclosed will be limited to only the information needed to conduct an investigation (if the victim permits) and to ensure victim safety.

If the victim does not report anonymously, upon receiving notice of the report of an incident by a College employee, the Title IX Coordinator will respond to the victim by offering supportive measures and ascertain whether the victim wishes to file a Formal Complaint.

Victims can also disclose incidents to non-College officials, such as a local rape crisis center or a mental health counselor. A list of some local rape crisis centers and other community resources is provided in the Annual Fire and Security Report found on the College's website at www.dinecollege.edu. These types of non-College officials provide confidentiality and can offer support and referrals to helpful services and resources. These persons are not affiliated with the College and have no obligation to notify the Title IX Coordinator about the incident. Consequently, if the College is not informed of the incident, victims should not expect the College to investigate the matter. However, the College will investigate allegations contained in a Formal Complaint with the College.

5. Submitting a Report or Formal Complaint Confidentially and/or Anonymously

In addition to the options described above in regard to privately or confidentially disclosing an incident of sexual misconduct, victims also have several options for making a Formal Complaint. The Title IX Coordinator is the person with whom a student would file a Formal Complaint regarding sexual misconduct, if the victim wishes to do so. Formal Complaints can be made to the Title IX Coordinator by submitting a complaint to the Title IX Coordinator in-person, via email, or via the online incident report form.

All reports of sexual misconduct made to all College employees will be handled with privacy. Those reporting instances of sexual misconduct – whether they are the victim, an employee, a friend, or a witness/bystander – can also make confidential and/or anonymous reports if they prefer to do so.

A. Confidential Reports

Reports can be made by informing the Title IX Coordinator in person or in writing that you do not want an investigation to occur.

While this reporting method is known as a “confidential report”, due to the nature of their responsibilities, the Title IX Coordinator is not truly a confidential resource. As noted above, all information provided will be handled with the utmost privacy.

When a reporting individual reports an incident of sexual misconduct but expresses that he/she does not wish for the College to conduct an investigation, the College will typically honor that request. However, sometimes the College will be obligated to weigh such a request against the College’s duty to ensure the safety of others on campus. Some of the factors the College may consider in weighing a request to not investigate may include: whether the accused has a history of violent behavior or is a repeat offender; whether the incident represents escalation in unlawful conduct by the accused individual; the increased risk that the accused individual will commit additional acts of violence; whether the accused individual used a weapon and/or force; whether the reporting individual is a minor; and whether the institution possesses other means to obtain evidence (e.g., security footage) and whether available information reveals a pattern of perpetration at a given location or by a particular group. If the Title IX Coordinator determines that a victim’s confidentiality cannot be maintained and that an investigation is necessary, the victim who reported the incident will be notified in writing, prior to the start of an investigation and will, to the extent possible, only share information with the people responsible for handling the College’s response. The Title Coordinator will remain ever mindful of the victim’s well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. In these cases, should the Title IX Coordinator decide to commence a disciplinary proceeding against the accused, the Coordinator will nevertheless treat the victim as a party to the process and offer the victim supportive measures.

B. Anonymous Reports

These reports can be made by **not** including your name or email address when submitting the online incident report form. Individuals who wish to anonymously report an incident should be aware that their anonymity may inhibit the College’s ability to conduct a full investigation of the incident, provide supportive measures, and/or update the victim regarding actions taken.

Regardless of how a victim chooses to disclose the alleged misconduct, the College may not require a victim to participate in any investigation or disciplinary proceeding.

In the event that sexual misconduct has been committed by a non-member of the College community (including an unknown person or stranger), victims may still report the incident to the College and receive supportive measures and protection. For a list of on-campus and off-campus resources and support services near you please contact the Department of Human Resources.

Victims also have the option to make a report to law enforcement, either in addition to or as an alternative to making a report to the College.

6. Amnesty Policy for Alcohol and/or Drug Use

Students should not be afraid to report an incident of sexual misconduct merely because they were drinking alcohol or using drugs at the time of the incident, whether they were a victim,

witness, or bystander. Diné College has adopted an amnesty policy for alcohol and/or drug use in regard to incidents of sexual misconduct. The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College employees. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the College associates or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

7. Disclosures During Advocacy Events

Individuals occasionally disclose information regarding sexual misconduct during a public awareness and/or advocacy event, such as candlelight vigils, protests, survivor speak-outs, Take Back the Night events, Day of Unity events, and other similar public events. These events typically serve the purpose of empowering survivors and raising awareness about issues related to sexual violence, as opposed to serving as a forum in which an allegation of sexual misconduct is reported. Accordingly, the College may not investigate allegations disclosed at these events. However, any individual always remains free to report such conduct with the College and the College will investigate all allegations in a Formal Complaint. The College may use information provided at such events to inform its efforts for additional education and prevention efforts regarding sexual misconduct and sexual violence.

8. Campus Alerts

When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, the College is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals. See the College's Annual Fire and Security Report for more information on the Campus Emergency Notification System. This report can be found on the College's website at: <https://www.dinecollege.edu>.

9. Campus Crime Data

When the Title IX Coordinator receives reports of sexual misconduct and certain other crimes that occur in certain locations on and/or near campus, federal and State laws require the Title IX Coordinator to count the number of those reports for inclusion in the College's Jeanne Clery Campus and Security Survey and inclusion in the College's Annual Fire and Security Report. This is merely an anonymous tally – neither the identity of the reporting individual nor the specifics of the crime are included in these reports.

10. Resources and Protection for Victims

Diné College is committed to supporting victims and survivors of sexual misconduct and sexual violence, regardless of when, where, or who committed the acts in question. If you or a friend need help finding resources, the College encourages you to reach out to your campus Title IX Coordinator, who can help obtain those resources. If you aren't sure who your campus Title IX Coordinator is, a list of all campus Title IX Coordinators is provided in this

policy. If you are in immediate danger at any point, call 911.

A. Obtaining Immediate Medical Attention

If you have been the victim of rape, sexual assault, domestic violence, or dating violence and are in need of immediate medical attention, please call 911 and/or consider visiting a hospital, urgent care center, or medical provider. Some State law requires that all hospitals in the State offer forensic rape examinations (sometimes also called ‘forensic sexual assault examinations’ or simply ‘rape kits’). Some states require hospitals to notify the victim/survivor that they can choose to have the forensic rape exam and its related charges billed to the Victim Services at no cost to the victim/survivor. After the exam, you might receive other medical services or counseling services for which the hospital might charge you or bill your health insurance; if your insurance plan is through someone else (such as your parent), you are encouraged to tell hospital staff if you do not want your insurance policyholder to be notified about your access to these services.

Especially in incidents of rape or sexual assault, it may be important to receive a forensic examination as soon as possible in order to preserve evidence and/or to receive protection from sexually transmitted infections and pregnancy. To best preserve evidence, you should avoid showering, washing, changing clothes, discarding clothes, combing hair, or otherwise altering your physical appearance until the exam is complete, and you should seek an exam as soon as possible. Even if you don’t want evidence to be collected, it is still recommended that you get examined by a doctor in order to address physical injuries, potential pregnancy, and possible exposure to sexually transmitted infections. For more information about what to do after an assault, visit the National Sexual Violence Resource Center website at www.nsvrc.org.

More information regarding forensic examinations and sexually transmitted infections, as well as other resources available through your campus Title IX Coordinator.

B. Provision of Supportive Measures

In addition to the above on-campus and off-campus resources, the College is prepared to offer all victims of sexual misconduct, whether reported with or without a Formal Complaint, certain protections and reasonable campus accommodations. These accommodations are known as “supportive measures” as defined above in this policy. Of course, in cases where a victim chooses to report anonymously, the College will not be able to provide supportive measures.

Below is a non-exhaustive list of protections and campus accommodations that may be available, if appropriate. To request any of the below supportive measures, please contact your campus Title IX Coordinator. Your Title IX Coordinator will then make the necessary arrangements, including coordinating with other campus offices as needed, in order to maintain your privacy.

i. No-Contact Order

Having the College issue a one-way ‘no contact’ order against the accused or a mutual no-contact order against both the accused and the victim. A no-contact order can be formulated appropriately as the circumstances warrant. The no-contact can range from prohibited communication to prohibiting physical contact.

A one-way ‘no contact’ order requires a fact-specific inquiry to determine whether imposition of such an order would be punitive, disciplinary, or unreasonably burdensome to the other party. In cases where a one-way no-contact order would help enforce a restraining order, preliminary injunction, or other court-mandated

protective order or if such an order would not unreasonably burden the other party, a one-way no-contact order may be appropriate.

When a one-way no-contact order is issued, if the accused, victim, or reporting individual observes each other in a public place, it will be the responsibility of the accused to avoid contact on the accused, leave the area immediately and without directly contacting the reporting individual and/or victim. If necessary, the College may establish a schedule for the accused and the victim to access College buildings and property at separate times. Violating the 'no contact' order could subject the accused to additional consequences and/or the involvement of law enforcement.

Both the accused and the victim will, upon request and consistent with these policies, be afforded a prompt review, reasonable under the circumstances of the need for and terms of the 'no contact' order, including potential modification and will be allowed to submit evidence in support of their his or her request.

- ii. Assistance from College associates in obtaining an order of protection or restraining order from law enforcement against the accused individual.

Orders of protection and restraining orders are similar to 'no contact' orders, except that they are imposed by a court, not by the College. If an accused individual violates an order of protection or restraining order, they could be arrested. The College reserves the right to impose consequences on accused individuals who violate orders of protection and restraining orders, such as imposing additional conduct charges and/or subjecting the accused to interim suspension.

- iii. Assistance from College campus security in calling on & assisting law enforcement in effecting an arrest when the accused individual violates an order of protection.
- iv. Emergency Removal, Interim Suspension or Administrative Leave

When the accused is determined to present a continuing threat to the health and safety of the community, to subject the accused or victim to emergency removal, interim suspension or administrative leave pending the outcome of the disciplinary process consistent with the law and the College's policies and procedures. Both the accused or victim and the reporting individual shall, upon request and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of emergency removal, an interim suspension, or administrative leave and shall be allowed to submit evidence in support of his or her request.

Determinations of whether an accused poses a continuing threat to the health and safety of the College community are made by individuals at each campus. In making such determinations, these individuals act in good faith and takes into consideration:

- Whether the accused has a history of violent behavior or is a repeat offender
- Whether the reporting individual is a minor
- The nature of the allegation in question
- Subsequent behavior occurring after the allegation
- The potential risk of harm or disruption to the campus community and the reporting individual
- Other relevant factors, such as whether the alleged behavior represents an escalation in behavior from past incidents, the possession and/or use of a weapon

and/or force, whether the College possesses other means to obtain evidence (e.g. security footage), whether available information reveals a pattern of perpetration at a given location or by a particular group and whether alternatives to interim suspension or administrative leave are available.

- And/or use of a weapon, and whether alternatives to interim suspension are available.

When the threat posed implicates mental health issues, the victim will be required to provide the College with documentation from an appropriate healthcare provider in order to return to campus. Additional safety precautions may also be taken where the College deems it necessary.

When certain crimes occur in certain areas on and/or near campus that represent a serious or continuing threat to the campus community, the College is obligated under federal law to issue a timely warning, in order to protect the safety of others. Crimes triggering a timely warning might include, for example, a rapist who is still present on campus. When a timely warning is issued, the warning will never identify any victims or reporting individuals.

- v. Obtaining reasonable and available interim measures and accommodations for changes in the accused's or victim's academics, housing, employment, transportation, or other applicable arrangements in order to help ensure safety, prevent retaliation, and avoid a hostile environment consistent with the College's policies and procedures.

Other protections, services, and accommodations that may be appropriate including, for example, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus.

11. Disciplinary Process for Allegations of Sexual Misconduct

In cases where this Policy is applicable, when an accused commits or is believed to have committed sexual misconduct or other conduct prohibited by this Policy – whether committed against another student, other member of the campus community, or non-member of the campus community – the accused may face conduct charges and be subjected to the College's disciplinary process. All accused who are subjected to the disciplinary process are entitled to a presumption of 'not responsible' (not guilty), and all processes will be conducted in a fair, impartial, thorough, and timely manner. However, there may be circumstances where prior to the conclusion of the disciplinary proceedings, the College deems it necessary to carry out the emergency removal or interim suspension of a student or placing an employee on administrative leave.

At all times, the burden of proof and the burden of gathering evidence is on the College to establish that the alleged violation of this policy was committed by the Respondent. The standard of evidence required in both the Sexual Misconduct Hearing and in the Appeal Hearing, if one is sought, is a preponderance of evidence. "Preponderance of evidence" means that the relevant Code of Conduct committee must decide in favor of the party that, as a whole, has the stronger evidence that the violation was or was not committed, however slight the edge over the other party's evidence may be. "Preponderance of evidence" is sometimes described as "more likely than not" or "51% probability." The evidence should be sufficient to incline a fair and impartial mind to one side of the issue over the other, but it is

not necessary for that mind to be completely free from all reasonable doubt. “Preponderance of evidence” is a different and lesser standard of evidence than that used in criminal proceedings; rather, it is the standard of evidence often used in civil court proceedings. This standard will be used for Formal Complaints against both students and employees, including faculty.

In all disciplinary proceedings brought against a Respondent, there will be a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the disciplinary process.

Before or after the filing of a Formal Complaint (and even where no Formal Complaint has been filed), the College will offer without fee or charge Supportive Measures to both the accused and the victim, as appropriate and as reasonably available.

12. Informal Resolution Process

At any time prior to a Sexual Misconduct Committee reaching a determination, a Complainant may, but is not required to, seek informal resolution of his or her Formal Complaint. This informal process is not available when the accused is a College employee and both parties must voluntarily consent in writing to the informal resolution process or such a process will not be permitted. An informal resolution avoids a full investigation and Committee hearing and allows the parties to mediate a resolution. The informal resolution process is not available unless a Formal Complaint has been submitted. If a Complainant seeks an informal resolution, both the Respondent and the Complainant will be sent a written notice disclosing:

- A. That if the parties reach a mutually acceptable resolution to which they agree in writing, the Complainant will be prevented from resuming a Formal Complaint arising from the same allegations;
- B. Any party has a right to withdraw from the informal resolution process and resume the Formal Complaint process.\
- C. Should a party withdraw from the informal resolution process, all records resulting from the informal resolution process that could have been maintained by the College or shared with the College or the other party will be shared or maintained in the Formal Complaint process.

13. Sexual Misconduct Review/Investigation Process

Reports of potential and actual violations of this policy, will be processed as follows. All written notifications referenced below will be provided to both parties in a manner that requires the parties to acknowledge receipt, such as certified mail or email, return receipt requested or hand delivery with a signed receipt.

All submitted reports and Formal Complaints regarding incidents of sexual misconduct will be reviewed by the Title IX Coordinator.

The Title IX Coordinator may not have a conflict of interest or bias for or against the Complainant or the Respondent specifically or for or against Complainants or Respondents generally. A designee for the Title IX Coordinator will be appointed if a conflict exists.

In all cases where a Formal Complaint is submitted by a Complainant or signed by a Title IX Coordinator, the Title IX Coordinator (or his/her designee) will conduct an investigation into the incident reported. Upon the submission of a Formal Complaint, the victim will be referred to as the “Complainant” and the accused will be referred to as the “Respondent.”

When a Formal Complaint is submitted, the College will provide a written notice to both the

Complainant (if known) and the Respondent containing:

- A. A description of the Code of Conduct process, including the informal resolution process;
- B. The allegations of violation of behavior prohibited in this policy with sufficient details known at the time the notice is drafted. The description of the allegations include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined in this policy, and the date and location of the alleged incident, if known.
- C. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Sexual Misconduct Hearing.
- D. A statement that the parties may have an advisor of their choice, who may be, but is not required to be an attorney.
- E. Notice that the parties may inspect and review evidence.
- F. The College's prohibition of knowingly making false statements or knowingly submitting false information during the Code of Conduct process.

During the course of any investigation, if investigation is pursued about allegations of either a Complainant or a Respondent that were not included in this notice, the College will provide notice of those allegations to the parties whose identities are known.

In cases where a Formal Complaint has not been submitted by a Complainant, victims who have reported an incident of sexual misconduct – whether done so privately, confidentially, or anonymously – have the option of requesting that the College not conduct an investigation; however, under certain circumstances, the College may determine that an investigation is necessary to protect the health and safety of other students and/or the College community. When the College determines that an investigation is necessary, the victim will be treated as a party in any disciplinary proceeding. Victims who have anonymously submitted a report regarding an incident of sexual misconduct should be aware that their anonymity may inhibit the College's ability to conduct a full investigation of the incident and/or communicate with the victim regarding actions taken. In addition, such anonymity will inhibit the ability of the College to provide the victim supportive measures.

Any investigation conducted will be done so in a fair, impartial, thorough, and timely manner. The burden of gathering the evidence will be on the College and not on the parties. However, the College may not access, consider, or otherwise use a party's records that are: 1) made or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional acting in their professional's or paraprofessional's capacity, or assisting in that capacity, and 2) which are made and maintained in connection with the provision of treatment to the party. However, the College may access, consider, and use these records if the College that party's (or the party's parent's, if necessary) voluntary, written consent to do so for a disciplinary proceeding.

The parties will be provided equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including evidence that the College does not intend to rely upon in reaching a determination regarding responsibility. This includes such evidence that is inculpatory or exculpatory whether it was obtained from a party or another source. Such access will be provided to ensure that the parties are able to meaningfully respond to the evidence at the conclusion of the investigation.

To this end, before the Investigator completes his or her investigative report, the College will

send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will be provided ten (10) business days to submit a written response. Any such responses will be considered prior to completion of the investigative report. At any hearing that follows, this evidence will be made available to the parties and both parties will have equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Should investigative interviews or meetings be necessary or should an individual's participation at the hearing be requested, the Investigator will provide written notice to the individual whose interview, meeting, or hearing participation is requested with the date, time, location, participants, and the purpose of the interview, meeting, or hearing 15 days before the date of the hearing or as soon as possible but with sufficient time for the participant to prepare for the meeting or interview.

Upon completion of the investigation, the Investigator will prepare an investigative report which fairly summarizes the relevant evidence. If it is decided that the Respondent should be subject to proceedings under the Sexual Misconduct hearing process, each party and any advisor will be provided a copy of the report in an electronic format or a hard copy at least 10 days before the hearing. Both parties will be given an opportunity to submit a written response to the report which will be due no later than 3 business days before the hearing.

If upon the completion of the investigation, it is determined that there is sufficient evidence to proceed to a hearing, written notice will be provided to the Respondent, Complainant, and any other party whose participation is invited or expected. The notice will contain the date, time, location, participants, and the purpose of the hearing at least 15 days before the date of the hearing. The date selected by the Title IX Coordinator will provide the Respondent a reasonable amount of time to prepare for the Sexual Misconduct Hearing while also not constituting an unreasonable delay in resolving the charges. When an alleged violation involves more than one victim or more than one Complainant, or when more than one violation is alleged to have been committed by the Respondent, the Title IX Coordinator may determine, in his/her discretion, to schedule separate Sexual Misconduct Hearings.

Upon completion of the investigation, if the Investigator determines: 1) that the conduct alleged in the Formal Complaint would not constitute "sexual harassment" or "retaliation" as defined in this Policy even if proved; 2) that the alleged conduct did not occur with respect to locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the alleged sexual harassment occurs; or 3) that the alleged conduct did not occur against a person physically located in the United States, the Coordinator will dismiss the Formal Complaint with respect to a claim of violation of Title IX, but may continue the proceeding if the Coordinator believes there is other conduct that, if proven, would violate another provision of this Policy.

The Investigator may also dismiss the Formal Complaint if at any time during the investigation or the hearing, if: 1) the Complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the Formal Complaint or any allegations in it; 2) Respondent is no longer enrolled or employed by the College; or 3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations in it. If the Formal Complaint is dismissed, the College will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to all of the parties.

14. Sexual Misconduct Hearing Process

When the Investigator files Sexual Misconduct charges against the Respondent, the Investigator will promptly notify the Respondent in writing of the facts of the allegations made against him/her, the specific College policy violation committed by the Respondent if the alleged facts are determined to have occurred, the time and date on which the violation allegedly occurred, possible consequences and/or sanctions against the student for such violation, information regarding how the student can dispute the violation alleged (including the date, time, and location of a Sexual Misconduct Hearing at which the Respondent will be entitled to present evidence), and what (if any) supportive measures will be imposed upon the student while the Student Conduct Hearing is in progress (e.g., temporary suspension). Where the alleged violation involves sexual harassment or sexual harassment retaliation, the written notice will also notify the parties of their right to be accompanied at the Sexual Misconduct Hearing by an advisor of his/her choice.

The Sexual Misconduct Hearing will be conducted in a fair, impartial, and thorough manner. The Sexual Misconduct will be presided over by a Sexual Misconduct Committee, which will be composed of impartial individuals selected by the Title IX Coordinator. The Title IX Coordinator may not serve on the Committee. Committee members may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent specifically.

The Committee will hear all evidence presented on the alleged violation. During the Sexual Misconduct Hearing, the Respondent will have the opportunity to present evidence in his/her defense and to inspect and review evidence be accompanied by an advisor of his/her choice. Likewise, the Complainant may, if he/she desires, also have the opportunity to present evidence of the incident and to be accompanied by an advisor of his/her choice. Such advisor for both parties may be, but is not required to be, an attorney. Such advisor may accompany the party not only at the hearing but also at any interview or meeting. However, the investigator and the Committee may establish restrictions on the extent to which the advisor may participate in the hearing, interview, or meeting. Such restrictions will apply equally to both parties.

During the hearing, the Committee will objectively evaluate all of the relevant evidence—including both inculpatory (evidence indicating culpability) and exculpatory evidence (evidence indicating lack of culpability). The Committee will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness.

The Sexual Misconduct Committee will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

During the course of the Sexual Misconduct Hearing, the College will not restrict the ability of either party to discuss the allegations under investigation or to gather and then present relevant evidence. The parties will be given an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The Sexual Misconduct Hearing will be live (in person) with the following procedural rights and restrictions:

- A. The Sexual Misconduct Committee will decide on the location of the hearing. Depending on the circumstances, the Committee may hold the hearing with all parties physically present in the same geographic location or it may decide to have any or all parties, witnesses, and other participants to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. An audio or audiovisual

recording, or transcript, of any live hearing will be made available to the parties for inspection and review. This record will be maintained for seven years.

- B. The Committee will permit each party's advisor to cross-examine the other party and any witnesses' relevant questions and follow-up questions, including those that challenge credibility.
- C. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- D. All cross-examination will be conducted directly, orally, and in real time by the party's advisor and never by the party personally. Only relevant cross-examination and other questions may be asked of a party or witness. The party or individual being examined by the other party's advisor will await a relevancy determination from the Committee Chair before answering each question. Should the Committee Chair exclude the question, the Chair will explain the reason for the exclusion.
- E. If a party or witness does not submit to cross-examination at the live hearing, the Committee will not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the Committee will not draw an inference about the determination regarding Respondent's responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- F. If either party so requests, the hearing will be carried out with the parties located in separate rooms with technology, such as video conferencing, which enables the Code of Conduct Committee and the parties to simultaneously see and hear the party or witness answering questions.
- G. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent;
- H. After all evidence has been presented in the hearing, the Committee will render a decision as to whether the Respondent is "responsible" (guilty) or "not responsible" (not guilty) for the violation and will impose consequences and/or sanctions on the Respondent if found "responsible", if appropriate. If the Respondent fails to or declines to attend the hearing, the hearing will be held without the Respondent present and the Committee may reach a decision of "responsible" and impose consequences and/or sanctions even in the Respondent's absence. However, the Committee will not make a determination based solely on the absence of the Respondent.
- I. Upon conclusion of the hearing, the Committee will privately deliberate and will issue a written determination applying the preponderance of the evidence standards. The written determination will be simultaneously sent to both parties within 5 days of the conclusion of the hearing and will include:
 - i. A summary of the allegations including which provisions of this policy were alleged to be violated;
 - ii. A summary of the procedural steps the College carried out from receipt of the Formal Complaint through the determination, including notifications to the parties,

any interviews with parties and/or witnesses, any site visits, other methods used to gather evidence, and hearings held.

- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of this policy to the facts;
- v. With respect to each allegation, a statement of the determination of responsibility, any disciplinary sanctions imposed, and whether any restorative remedies will be provided to the Complainant;
- vi. A description of the process and permissible bases for either the Complainant or the Respondent to appeal. The Committee will not make a determination based solely on the absence of the Respondent.

Either the Respondent “responsible” or the Complainant may commence his/her appeal by following the procedures described in the paragraphs titled “Appeals Process” below. In the event an appeal is requested, the Committee’s decision will be protected from public release by the College until the Appeals Process is complete and final, unless the law requires otherwise. However, the parties involved may choose whether or not to discuss or disclose the outcome of the hearing.

If a party does not commence an appeal within ten days from receiving written notification of the Committee’s decision, then the Committee’s decision will be final.

15. Appeals Process

Any Respondent found “responsible” by a Sexual Misconduct Committee and any Complainant following a dismissal or finding of “not responsible” may appeal the Committee’s decisions, including its determination of responsibility and/or the consequences/sanctions imposed.

Any party seeking an appeal of the Committee’s decision(s) (“Appellant”) must submit a written request for an appeal to the Title IX Coordinator within ten days of receiving written notification of the Committee’s decision. The written request for appeal must include a brief statement of the basis of the appeal. Permissible bases for appeal are:

- A. A procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the Committee made the determination regarding responsibility or dismissal, which could affect the outcome of the matter;
- C. The Title IX Coordinator, Investigator, or a member of the Sexual Misconduct Committee had a conflict of interest or bias for or against complainants or respondents, in general, or the individual Complainant or Respondent specifically that affected the outcome of the matter;
- D. The burden of proof was met or was not met but the Committee concluded otherwise;
- E. The appealing party objects to the Committee’s determination of responsibility, the imposed consequences/sanctions, or both.

Upon receiving the Appellant’s written request for appeal, the Title IX Coordinator will schedule the date for an Appeal Hearing, to be held in a timely manner at a campus location or virtually. Upon scheduling the Appeal Hearing, the Title IX Coordinator will provide written notification of the location, date, and time to both the Respondent and the Complainant.

The Appeal Hearing will be conducted in a fair, impartial, and thorough manner. The Appeal Hearing will be presided over by a panel of impartial individuals selected by the Title IX Coordinator. The Title IX Coordinator, any individual who served on the Sexual Misconduct Committee, or the Investigator may not serve on the Appeal Hearing panel. In addition, no member of the Appeal Hearing panel may have a conflict of interest or bias for or against complainants or respondents, in general, or the Complainant or Respondent specifically. When such an appeal is submitted, the non-appealing party will be notified in writing of the appeal and these procedures will be applied equally to both parties. Both parties will be given the opportunity to submit a written statement in support of or challenging the outcome of the Committee's determination before the Appeal Hearing.

The Appeal Hearing panel will hear all arguments presented in regard to whether the Committee's decisions were appropriate. After all arguments have been presented, the Appeal Hearing panel will render a written decision on the appealed issues and, if appropriate, impose revised consequences/sanctions on a party. Within five days of the Appeal Hearing, the parties will simultaneously be sent written notification of the Appeal Hearing panel's decision and the rationale for such decision. The Appeal Hearing panel's decisions are final and are not subject to further appeal.

16. Timeframes

Any of the deadlines in this Policy may be extended upon the showing of good cause. When considering whether to grant an extension, the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance, or accommodation of disabilities will be considered. Where extensions are granted, the Complainant and Respondent will be provided written notice of the extension or delay and the reasons for the action.

17. Possible Sanctions

The following possible sanctions may be imposed as a result of a Sexual Misconduct Hearing and/or an Appeal Hearing. In addition, if at any point (whether during or prior to any such hearing) the presence of a student or College associate on campus creates a threat to the health, safety, and/or well-being of other students or other members of the College community, the College reserves the right to immediately remove that individual from campus until the time of the Sexual Misconduct Hearing and/or Appeal Hearing.

The following list of the range of possible consequences/sanctions is not exhaustive, and these consequences/sanctions may be imposed singularly or in any combination. Different and/or additional consequences or sanctions may be imposed by a Sexual Misconduct Committee and/or Appeal Hearing panel as they may deem appropriate. Pursuant to individual State law, all parties involved – both the Complainant and the Respondent – will receive written notice of any imposed consequences/sanctions and the rationale in support of such consequences/sanctions.

- A. No Consequences/Sanctions: Where the Sexual Misconduct Committee and/or the Appeal Hearing panel, in the event an appeal is sought, determines that a Respondent is "not responsible", the Code of Conduct charges against the Respondent will be dismissed and the Respondent's name will be cleared.
- B. Written Warning: A notice in writing that the Respondent is violating or has violated institutional regulations.
- C. Probation: A written reprimand for violation of specified regulations which places the Respondent in a probationary status for a designated period of time. Violation of any

College rules or policies during a probationary period may result in the imposition of additional and/or more severe disciplinary sanctions.

- D. Discretionary Sanctions: Work assignments, essays, or other discretionary assignments.
- E. Loss of Privileges: Denial of specified privileges for a designated period of time.
- F. Restitution: Financial reimbursement for damages to property.
- G. Community Service: A stated number of hours, set in writing, of donated service.
- H. Permanent “No Contact” Order: A permanent ‘no contact’ order effective for the duration of the Respondent’s enrollment or employment at the College requiring the Respondent found to be “responsible” to stay away from the Complainant against whom he/she has committed misconduct. This may be imposed in addition to any interim “no contact” order already issued.
- I. Residence Hall Suspension: Separation of a Respondent student from the residence halls for a defined period of time, after which the Respondent student is eligible to return. Conditions for readmission may be specified.
- J. Residence Hall Expulsion: Permanent separation of the Respondent student from the residence halls.
- K. College Suspension: Separation of the Respondent student from the College for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. This sanction automatically results in a Transcript Notation sanction.
- L. Disciplinary Dismissal or Expulsion from the College: Permanent termination of status as a student or employee of the College. This sanction, if imposed on a student, automatically results in a Transcript Notation sanction.
- M. Transcript Notation: For crimes of violence carried out by a Respondent student, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S. C. 1092(f)(1)(i)(I) –(viii), the College will make a notation on the transcript of students found responsible after a disciplinary hearing that they were “Suspended after a finding of responsibility for a Code of Conduct violation” or “Expelled after a finding of responsibility for a Code of Conduct violation,” as appropriate. For a Respondent who withdraws from the College while such charges are pending, and declines to complete the disciplinary process, the College will make a notation stating, “Withdrew with conduct charges pending.” Transcript notations regarding expulsion, suspension and withdrawal shall be permanent. Suspended Respondent students may appeal such notation and seek its removal after one year after conclusion of the suspension. A Respondent student subjected to suspension or expulsion, and by extension subjected to an automatic transcript notation, may appeal this sanction by commencing the appeals process within the required timeframe. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.
- N. Other consequences and/or sanctions as deemed appropriate by the Sexual Misconduct Committee and/or Appeal Hearing panel.

VI. Recordkeeping

The College will maintain records of the following for seven years:

1. Each investigation of alleged violations of this Policy including any determination regarding

responsibility and any audio or audiovisual recording or transcript of a Code of Conduct Hearing;

2. Disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant to restore or preserve equal access to the College's programs and activities;
3. Any appeal and the results of that appeal;
4. Any informal resolution and the results of that informal resolution;
5. All materials used to train Title IX Coordinators, investigators, Code of Conduct Hearing Committee members or members of Appeal Panels, and individuals who facilitate an informal resolution process. These training materials will be made available on the College's website;
6. Supportive measures taken in response to a report or Formal Complaint alleging violation of this Policy and the basis for the College's conclusion that its response was not deliberately indifferent and how such measures were designed to restore or preserve equal access to the College's program and activities;
7. The reasons why supportive measures for a Complainant were not provided in cases where they were not provided and why the lack of such measures was not clearly unreasonable in light of the known circumstances.

VII. Training


Title Coordinators and their designees, Sexual Misconduct Committee members, Investigators, members of Appeal panels, and any person who facilitates an informal resolution process will receive training on the following:

1. The definition of "sexual harassment" as defined in this policy;
2. The scope of the College's education or activity, *i.e.*, the locations, events, and circumstances over which the College exercises substantial control and any buildings owned or controlled by any student organizations that the College officially recognizes;
3. How to properly conduct an investigation and Sexual Misconduct hearing including hearings, appeals, and the informal resolution process. This also includes training on how to serve in their capacities impartially and avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
4. Technology used at live hearings; and
5. How to assess relevance of questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant;

Title IX Coordinators and Investigators will receive training on issues of relevance when creating an investigative report that fairly summarizes relevant evidence. The training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

VIII. Form(s) and/or Equipment

1. Formal Complaint Form

	Personnel Policies and Procedures Manual	Introduction: Section 1.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Governing Board		Applicability: All Employees
Reference(s): Navajo Nation Counsel (NNC) Title 10, Chapter 19		

I. Policy

The Diné College Board of Regents is the College's guiding light. They help us establish a direction for the future and direct us in the process of establishing educational programs and institutional goals. They help us to strengthen our personal foundations for responsible teaching, learning, and living consistent with ʘ:ʘʘ Naagháí Bik'eh Hózhóón.

The Governing Board known as the Board of Regents consists of eight (8) members including a student representative from the Associated Students of Diné College (ASDC). The Navajo Nation President appoints five (5) members of the Board of Regents. The Navajo Nation Council oversight committee, the Health, Education, & Human Services Committee (HEHSC) makes final confirmations.

Two Regents serve on the board by their job positions, the Superintendent of Schools for the Navajo Nation Department of Diné Education and a Council member of HEHSC.

The Board normally meets on the second Friday of every month at the Tsaile Campus, on the 6th Floor of the Ned Hatathlie Center. All regular Board meetings are open to the public.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Introduction: Section 1.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Office of the President		Applicability: All Employees
Reference(s):		

I. Policy

The President of the College is selected by the Board of Regents, and under contract, delegated to manage and administer the responsibilities and authorities for the College, safeguard the resources of the College, and ensure that the philosophy, mission, vision, and values of the College are fulfilled.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Introduction: Section 1.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: College Organization		Applicability: All Employees
Reference(s):		

I. Policy

The College organization is divided into four (4) major areas called Divisions. The College President has the authority to re-assign projects and responsibilities to his/her direct reports as needed due to changes in funding, college priorities, staffing changes, and other legitimate needs. The four (4) major Divisions consist of the following: Academic Affairs, Finance & Administration, Student Affairs, and External Affairs.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Introduction: Section 1.08
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Internal Communication		Applicability: All Employees
Reference(s):		

I. Policy

The President, or designee, is authorized to establish internal communication through associations, councils, work teams, and committees deemed necessary for the organization and administration of the College.

1. General

The President, or designee, shall call general faculty and/or staff meetings or special group meetings as needed, and specify the time and place of such meetings. Further, the President, or designee, may establish standing and ad hoc committees to assist in College projects to include prescribing their function, establishing terms of service of members, and determining committee membership

2. Faculty and Staff Associations

Employee associations, as approved by the Board of Regents, shall maintain a pro-active, collaborative voice for faculty and support staff. Employee associations shall be represented at the Board of Regents meeting and are advisory to the President.

3. Associated Students

The Associated Students of Diné College (ASDC) organization is the student government body of the College. In addition to coordinating the various functions of the ASDC, this organization shall arrange to have student representatives participate in many of the College's councils and committees, including the Board of Regents.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy

	Personnel Policies and Procedures Manual	Introduction: Section 1.09
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: External Communication		Applicability: All Employees
Reference(s): Marking & Communications Policies and Procedures		

I. Policy

The College President, or designee, shall be the official representative of the College in communicating with all external organizations and agencies. No one else is authorized to officially speak on behalf of the College.

No one shall speak for the college on unresolved issues or actions unless specifically authorized by the College President.

II. Procedures


1. Internally initiated contacts with representatives of the news media must be channeled through the Marketing and Communications Department. Inquiries from the media normally shall be referred to and coordinated by this office. Procedures have been established by the Marketing and Communications Department governing the release of public information to include printed matter, electronic information, news releases, and commercial advertising.
2. The Department of Human Resources shall issue an annual notice of the procedures for external communication established by the Marketing Department.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Introduction: Section 1.10
	Policy: Line of Authority – Naat’áanii		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Reference(s): Stewardship/Interim Assignment Policy		Applicability: All Employees	

I. Policy

It is the policy of the College to maintain an orderly system of management and administration by establishing a line of authority. The line of authority, outlined in an organizational chart, designates formal primary responsibility and authority for the supervision and direction of the various divisions, school, and departments and establishes supervisory hierarchies.

The immediate supervisor and/or individual designated with authority of Naat’áanii must comply with all aspects of the Personnel Policies, unless expressed exceptions are contained herein. There are three ways authority is delegated by the appropriate Administrator:

1. Delegation of Authority Acting Status

Delegation of Authority must be completed when there is or will be an absence of an Administrator within the division, school, or department. Delegation of Authority should last no more than ten (10) working days. The delegated employee will temporarily assume limited authority and responsibility as outlined in the delegation notification. Notify the Department of Human Resources of Delegation.

2. Acting Status

Occurs when an employee is assigned to an Administrator position during the extended absence of an Administrator or when an employee is assigned to a vacant Administrator position, and will temporarily assume the full authority and responsibility of the assigned position for no more than thirty (30) work days.

3. Interim/Stewardship Assignment

Occurs when an employee is assigned to an Administrator position and primarily performs the duties and responsibilities over an extended and continuous period of time, greater than thirty (30) work days, the employee will be appointed to an interim assignment or stewardship. Please see Stewardship and Interim Assignment Policy for procedures.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Delegation Template

	Personnel Policies and Procedures Manual	Introduction: Section 1.11
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Collegiality – Ahíł na’a’nish		Applicability: All Employees
Reference(s):		

I. Policy

All aspects of the College shall reflect collegiality between the various constituents of the College community; including management, administrators, staff, faculty and students.

1. Collegiality

Allows for participation in College-wide policy development, accreditation and related activities. All members of the College may engage in discussion, deliberation, and contribution to institutional efforts.

2. Participation

Policy development processes shall include, but not be limited to serving on committees and task force meetings and submitting comments and reviews to those involved in a particular institution-wide decision or action.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Introduction: Section 1.12
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Diné-based Kinship – K’é		Applicability: All Employees
Reference(s):		

I. Policy

As a tribal College, Diné kinship through the clan system or k'é is an accepted form of culturally appropriate relationship within the College. The relationship among these clans defines acceptable interaction, behavior, and responsibilities. Greetings among Navajo employees using these relationships are acceptable and encouraged. Respect for kinship relationship is expected. Kinship relationships shall not be abused for personal or professional gain or in conflict with the formal Line of Authority, collegiality, or both.

It is the intent of the College to utilize formal and informal relationships in the administration, management, and operation of the College. These relationships recognize the formal and informal, and cultural aspects of Diné kinship,

II. Procedures

There are no procedures associated with this policy.


III. Definitions

1. K'é Relationship

Defined through the clans of the maternal, paternal, maternal-grandfather, and paternal-grandfather. Navajo employees have the option to identify these clans and identify clan relationship with other College employees.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy

	Personnel Policies and Procedures Manual	Introduction: Section 1.13
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Management Rights		Applicability: All Employees
Reference(s):		

I. Policy

Diné College shall retain management rights in accordance with applicable federal, tribal laws, and Governing Board policies including, but not limited to, the right to:

1. Determine the mission of the College and its divisions and departments;
2. Set standards and expectations;
3. Exercise control and discretion over the College's organization and its operations;
4. Direct employees of the College;
5. Hire, promote, transfer, assign and retain employees in positions within the College and suspend, demote, discharge, or take disciplinary action against employees for just cause;
6. Maintain the efficiency of the operations entrusted to the administration of the College;
7. Relieve employees from duties because of lack of work or lack of funding or for other legitimate reasons;
8. Determine the methods, means and personnel by which such College operations are to be conducted;
9. Delegate authority to employees where appropriate;
10. Take whatever actions may be necessary to carry out the philosophy, mission, vision, and values of the College; and maintain uninterrupted service to its students, staff, faculty, in the day-to-day operations, and in situations of emergency or if the College determines that uninterrupted services are in the best interest of the College, its students, instructors and staff.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 1.14
		Adoption Date: 03-20-2020 Effective Date: 03-20-2020
Policy: Emergency Response		Applicability: All Employees
Reference(s): Emergency Notification, Line of Authority, Management Rights		

I. Policy

The College President is responsible for the academic mission and operations of the campus. The College President is also responsible for oversight of the health, safety, and welfare of individuals on the campus(es) and/or sites, as well as the operation and protection of College facilities and resources, and the reputational standing of the College. In response to an Emergency, the College President in consultation with the Board of Regents President shall have the full discretion to request or propose recommendations for Policy-level decisions.

II. Procedures

In the event that the College President is incapacitated or not available to make a Policy-level decision, devolution of authority will proceed as follows: As a procedure, the Board of Regents President will be notified of unavailability and/or incapacitation prior to the transition of authority as outlined below. In this event, the notification will be made by the Director of Human Resources.

1. Provost
2. Vice President of Finance & Administration
3. Vice President of Student Affairs
4. Vice President of External Affairs
5. Executive Director of OIPR


III. Definitions

1. Emergency

Conditions which harm or threaten to harm the College community, as determined by the College President or designee, including but not limited to a significant concern or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on College campus(es) and/or sites.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 1.15
		Adoption Date: 03-20-2020 Effective Date: 03-20-2020
	Policy: Emergency Management and Administration	Applicability: All Employees
Reference(s): Emergency Response, Delegation		

I. Policy

Emergency Decision-Making Authority

A variety of emergencies caused by acts of nature or mankind, can cause human suffering, disrupt normal campus functions, and result in loss of life, property, and income. Diné College has developed an emergency management plan to deal with most emergencies that encompass administration, facilities and services of the campus and centers. There are unforeseen situations which will occur that warrant immediate action, including but not limited to waiver or amendment of existing policy, to ensure the smooth operations of the College. Additionally, there will be situations where a current policy may infringe on the decision-making needs to ensure safety and alignment of purpose, mission and operations of the College. In these instances, clear authority and decision making are key.

Purpose of Emergency Decision-Making Authority

This Emergency Decision-Making Authority (EDMA) in concert with the College's Emergency Response Policy Section 1.14, allows for the President of Diné College to make emergency decisions to protect the College, its employees and facilities. The EDMA is limited to an "emergency" only as defined in Policy Section 1.14. There are situations which may arise where a decision needs to take place that is unforeseen and warrants action. In such a case, the College President is authorized to take action. The following are the procedures for such action.

II. Procedures for EDMA


1. Emergency situation arises and the Board of Regents President is notified.
2. A plan or decision is created to address the emergency situation.
3. Consultation between the Diné College President and the Board of Regents President.
4. Plan or decision is implemented.
5. Full Board of Regents is notified.
6. At the next Board of Regents meeting, if needed, the decision is ratified. If not approved, the decision is nullified.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Recruitment		Applicability: All Employees
Reference(s):		

I. Policy

The College is committed to employing, in its best judgment, the best qualified candidates for approved positions while engaging in recruitment and selection practices that are in compliance with all Navajo Nation employment laws. It is the policy of the College to provide equal employment opportunity for qualified applicants.

Authorization by an administrator is required to initiate any action for an open position, including recruitment, advertising, interviewing and offers of employment.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Navajo Preference in Employment Act		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act,		

I. Policy

The College as an entity of the Navajo Nation complies with the Navajo Preference in Employment Act (NPEA). The Navajo Preference in Employment Act requires employers to give employment preference to enrolled members of the Navajo Nation and, under circumstances, to non-Navajo spouses of enrolled members of the Navajo Nation. The College cannot waive the preference requirements of NPEA.

Irrespective of the qualifications of any non-Navajo applicant or candidate, any Navajo applicant or candidate who demonstrates the necessary qualifications for any employment position shall be selected and among a pool of applicants or candidates who are solely Navajo and meet the necessary qualifications, the Navajo with the best qualifications shall be selected or retained. In cases where the Navajo applicant is not selected, the appropriate Administrator must be able to justify why the Navajo applicant was not selected.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Veterans Preference		Applicability: All Employees
Reference(s):		

I. Policy

The College shall comply with the Navajo Nation Veteran's Preference Act. Eligible Veterans receive preference for initial employment; however, the Veterans' preference does not guarantee the Veteran a job, nor does it give Veterans preference in internal personnel actions such as promotion, reassignment, and reinstatement. A Veteran discharged from the U.S. Armed Forces or the National Guard or Reserve under honorable conditions following more than (180) calendar days of active duty shall be given preference in employment.

II. Procedure

Preference in employment on the initial hire and retention for those Veterans who were honorably discharged or the spouses of Veterans shall be provided in the following order:


1. Veteran who has an existing compensable service connected disability who is able to work.
2. A Veteran of any war or peacetime who has served on active duty for 181 calendar days or more or who has served 180 calendar days or more, other than for training, since January 31, 1955 and who was discharged or separated under honorable conditions from the U.S. Armed Forces.
3. A Veteran who sustained a service-connected disability prior to completing the 180 calendar days of active duty.
4. The spouse of a Veteran who cannot qualify for employment because of a total and permanent disability or the spouse of a Veteran killed in the line of duty or missing in action, captured by a hostile force(s); forcibly detained or interned by a foreign government/power .
5. The un-remarried surviving spouse of a Veteran who died of a service-connected disability.
6. An individual applying for Veterans Preference must complete and attach a Veterans' Employment Preference Form when submitting an application for employment along with a copy of DD Form 214, DD Form 215 or other required documents to receive preference.
7. If the best qualified applicant, including a preference eligible Veteran are equally qualified, and no further evaluation occurs, the Veteran must be given selection preference. If there is a non-Veteran who is the best qualified for a position, the non-Veteran could be employed if an eligible Veteran does not possess the same level of qualifications. In such cases, reasons why and approval by the appropriate Administrator is required prior to any offer of employment. Documentation of the hiring decision is paramount. In cases where the Veteran is not selected, the appropriate Administrator must be able to justify why the Veteran was not selected.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Veterans' Employment Preference Form

	Personnel Policies and Procedures Manual	Recruitment: Section 2.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Job Vacancy Announcement		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act, Veterans Preference, Fair Labor Standards Act		

I. Policy

Job vacancies will be posted in accordance with Navajo Nation laws and each vacancy will remain open internally to current employees for seven (7) work days. If there are no qualified internal Navajo applicants at the end of the initial seven (7) work day internal posting, the vacancy will be advertised externally at that time. The job posting will include the job title, department, job responsibility and necessary qualifications. Notices of all job openings are posted on the College website and the College reserves its discretionary right to post approved budgeted positions.

The Department of Human Resources will work with administrators for job vacancy announcements that require external advertisement. All vacant positions requiring external advertisement must be advertised for a minimum of ten (10) working days.

II. Procedures

An Administrator for a Division, Department, or School is authorize to initiate a Job Vacancy Announcement for any budgeted position using the following procedures:

1. The appropriate Administrator must complete a Request for Personnel Action Form (RPAF) with approval from the appropriate Vice President or Provost.
2. The RPAF will then be forwarded to one or both of the following individuals depending on the source of funding for the position:
 - A. For 100% Grant Funded positions, the RPAF will be forwarded to the Grants Accountant for funds verification.
 - B. For 100% Institutional Funded positions, the RPAF will be forwarded to the Budget Coordinator for funds verification.
 - C. For positions that have both Grant and Institutional funding, both individuals must complete funds verification.
3. The RPAF will then be forwarded to the Department of Human Resources for review, specifically looking at the following areas:
 - A. General overview of Job Description for proper Federal Labor Standards Act (FLSA) Classification and appropriate Grade and Salary Range of the position (any questions, concerns, corrections, or recommendations will be communicated with the Administrator before finalization of RPAF).

III. Definitions


1. Fair Labor Standards Act

The Fair Labor Standard Act (FLSA) is a federal law that sets minimum wage, overtime, and minimum age requirements for employers and employees. The FLSA creates two (2) classifications of employees, exempt employees and non-exempt employees

2. As to employment classification and compensation matters, Diné College will use and apply the FLSA as a guide to these employment matters.

IV. Form(s) and/or Equipment

1. Request for Personnel Action Form (RPAF)

	Personnel Policies and Procedures Manual	Recruitment: Section 2.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: External Applicants	Applicability: All Employees	
Reference(s): Navajo Preference in Employment Act		

I. Policy

External Applicants shall submit the following: A completed employment application for a vacant position (a separate application must be submitted for other vacant positions), resume, and letters of recommendation, copies of academic transcripts, and a personal philosophy statement, at a minimum. Other supporting documents may be required e.g. Certificate of Indian Blood, DD-214, Certifications, Certifications etc.

All application and supplemental materials must be received by the closing date. All applicants, whether internal or external applicants, must meet the necessary qualifications and all regular employment guidelines for the position. Any falsification on an application for employment will result in the automatic disqualification from employment consideration for any position within the College. Discovery after an employee has been hired that the employee falsified information on an application for employment is grounds for immediate termination of that employee.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Application for employment is available by clicking open positions on the College's website at: <https://www.dinecollege.edu/careers/>

	Personnel Policies and Procedures Manual	Recruitment: Section 2.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Internal Applicants		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act		

I. Policy

If the appropriate Administrator authorizes the vacancy of a position, it is College policy that the position be posted internally and open to current regular full-time employees for seven (7) business days. If there are no qualified internal Navajo applicants at the end of the initial internal posting, the vacancy will be open to all potential applicants.

Any falsification on an application for employment will result in the automatic disqualification from employment consideration for any position within the College. Discovery after an employee has been hired that the employee falsified information on an application for employment is grounds for immediate termination of that employee.

II. Procedures

Employees who consider applying for other positions within the College will need to follow the procedures below.

1. Employees must first meet the following requirements:
 - A. Maintain a performance level of satisfactory or better;
 - B. Have been in their current position for twelve (12) months or more, six (6) months minimum if the position is in the same department, from the date the application is submitted;
 - C. Meet the necessary qualifications that are listed in the postings;
 - D. Have not received a letter of reprimand, suspended or otherwise been disciplined within the previous twelve (12) months to an application for a vacant position.

Employees who have received discipline within the previous twelve (12) months from date of submission of completed application are not eligible for internal job vacancies.
2. Employees must submit application and supplemental materials by the position closing date. If the internal candidate does not meet the closing date, the application will be reviewed with all other external applications.
3. The appropriate Administrator for the position will then review all internal applications and confirm that the candidate meets the knowledge, skills, abilities and other eligibility criteria required for the posted position. This review includes contacting the employee's current supervisor to verify, but not limited to; current job performance, related skills, attendance, and the review of the employee's personnel file.

If not qualified, the appropriate Administrator will provide written justification to the Department of Human Resources. The designee from Human Resources will notify the candidate.
4. If qualified, the internal candidate will proceed to the next step of Qualification Assessments, e.g. pre-employment assessments, oral interviews, etc.


5. After the Qualification Assessments are completed and the internal candidate is selected he/she must notify the Department Human Resources if they are still interested in the position. If so, the internal candidate must notify his/her supervisor of their interest. Candidates should understand that interviewing of other internal candidates may occur while they are under consideration for the position.
6. If the internal candidate is still interested in the position the Administrator for that position shall consult with the candidate's appropriate Administrator to determine appropriate start date. This information will be submitted to the Recruitment & Retention Coordinator.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

- A. Application for employment is available by clicking open positions on the College's website at: <https://www.dinecollege.edu/careers/>

	Personnel Policies and Procedures Manual	Recruitment: Section 2.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Qualification Assessment		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act, Veterans Preference, Fair Labor Standards Act		

I. Policy

The appropriate Administrator in consultation with a representative from the Department of Human Resources shall conduct at least two (2) qualification assessments on all applications received on or before the closing date specified on the job vacancy announcement.

II. Procedures

Application Qualification Assessment is based on the information provided on the employment application and other appropriate documents submitted.


1. Administrators shall complete an initial Qualification Assessment of all application materials to determine if the applicant has meant the necessary qualifications for the position.
2. If the applicant passes the initial Qualification Assessment an oral Interview Qualification Assessment will be conducted. It is up to the appropriate Administrator if the oral interview will be conducted via telephone, video conferencing, and face-to-face or a combination of each.
 - A. The appropriate Administrator shall establish a Hiring Committee (3 or 5 members) and serve as Chair of that committee to conduct interview of candidates who passed the prior Qualification Assessment(s).
3. Once the Qualification Assessment is complete the Administrator must notify the Department of Human Resources of the results of the Interview Qualification Assessment.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.08
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Preference and Non-Selection Notification		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act, Veterans Preference		

I. Policy

The Department of Human Resources will review the outcome of the Interview Qualification Assessment and determine as to whether applicants are eligible for preference.

II. Procedures

The Department of Human Resources will used the following preferences to determine hiring priority.


1. Enrolled Navajos with re-employment preference Such as RIF'd employees.
2. Enrolled Navajo Veterans
3. Other enrolled Navajo applicants
4. Non-Navajo spouses of enrolled Navajos
5. Non-Navajos
6. It is the Department of Human Resource's responsibility to ensure that a letter of non-selection is sent to all applicants who were interviewed but not selected for a position. The letter of non-selection must be issued within three (3) working days from the time that the selected candidate signs the conditional offer of employment.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.09
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Offer of Employment		Applicability: All Employees
Reference(s): Navajo Preference in Employment Act, Veterans Preference		

I. Policy

All offers of employment and continued employment are contingent upon a satisfactory background check, including reference checks, and the completion of a drug and/or alcohol screening. Employment shall not be effective until the Department of Human Resources has notified the appropriate Administrator that the applicant has satisfactorily completed all requirements.

An offer of employment will only be extended by the Director of HR (or designee) be the designated person from the Department of Human Resources to extend and offer of employment.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.10
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Background Check		Applicability: All Employees
Reference(s):		

I. Policy

The purpose of a Background Check is to establish requirements and processes for the College's prospective employees, current employees, and certain volunteers and contractors to protect employees, students, and assets. This version supersedes any previous version of this policy and procedure.

The Department of Human Resources is solely authorized to conduct and oversee the background check process necessitated pursuant to this Policy on behalf of the College. The Department of Human Resources may work with law enforcement or contract with outside agencies in executing any of the obligations set forth in this Policy. The Department of Human Resources is responsible for making decisions regarding what type of background check is appropriate, interpreting background check records and information, determining whether an applicant is eligible for employment, and for making personnel recommendations to the Administrators.

II. Procedures

Nothing precludes Human Resources from conducting a background check on any individual when the Department of Human Resources, in consultation with the appropriate Administrator and College Counsel, determine that a background check is necessary.

Background Checks are required for:

1. New Hire

When a single final applicant has been identified; however, they may be conducted prior to that time where Human Resources, in consultation with the appropriate Administrator and the College Counsel (if needed), determines that there is potential for College to suffer reputational harm if the check is not conducted on more than one potential final applicant.

2. Promotions

Employees who are otherwise considered for a Promotion shall be subject to a background check, unless Human Resources previously conducted a background check appropriate for the position within the previous three years.

3. Vulnerable Population Programs

Volunteers, student employees and contractors (including their employees, agents, and subcontractors) providing services for a College-affiliated program that serves a Vulnerable Population shall be required to satisfactorily complete a criminal history check. Hiring authorities and supervisors of volunteers, student employees and contractors are responsible for compliance with this requirement and shall initiate, or troubleshoot any questions about, the background check process through the Department of Human Resources.

All College employees are responsible for ensuring the integrity and confidentiality of the background check process which may include:

A. Reference Checks

Reference checks must be completed for all final applicants. The appropriate Administrator is responsible for conducting reference checks. The purpose of a reference check is to contact a job applicant's previous employers, schools, colleges, and other sources to learn more about his or her employment history, educational background, and qualifications and fitness for a job.

B. Criminal Background Check

Every applicant, employee, volunteer or intern applying for or employed must give written consent to the College to obtain a criminal background check. If an individual's criminal history includes plea(s) of guilty or no contest to or convictions of any offense under federal, state, including county and municipal, and Navajo Nation or other tribal jurisdiction, the Department of Human Resources shall determine, upon investigation and adjudication, whether the offense(s) may bear upon the individual's fitness to perform the duties of a position. An unfavorable result shall be grounds for nullifying an offer of employment or terminating employment.

If an individual's criminal history includes convictions that are identified by federal or Navajo Nation law as mandatory grounds for prohibition of employment in sensitive positions, a suitability assessment shall not be conducted, and an offer of employment shall not be made or employment shall be terminated.

An employee shall be given an opportunity to refute, correct or explain the unfavorable information by submitting a written response with an explanation of the background information, and such information must be supported by documentation in the form of unaltered law enforcement, court or other applicable documentation.

C. Financial History Check

A financial history check must be conducted for final applicants for the following positions: administrators and officers at or above the Vice President level; leadership positions at or above the Director and Dean level; and positions in campus departments with centralized and primary responsibility for significant College resources. The purpose of a Financial History Check is not to deny employment but to determine if there is evidence of poor personal conduct, during times of employment or unemployment, or dishonesty in handling financial matters.

D. Motor Vehicle Check

A Motor vehicle check must be conducted for all final applicants. The purpose of the Motor Vehicle Check is to check the applicant's driving history including traffic violations, suspensions, revocations, type of license granted, and restrictions on use. This background check is for all applicants that will be driving vehicles in the performance of their job duties. In some states, convictions for driving under the influence of alcohol or drugs are not on a criminal court record and can only be revealed through a DMV check.

E. A System of Award Management Check

A System for Award Management Check may be conducted at the discretion of the College for all final applicants.

F. Post-Employment Background Checks

The College may conduct post-employment background checks on employees as needed such as, but not limited to following; any workplace violence incident involving the employee or when it is required to do so pursuant to Navajo Nation laws, rules, or


regulations; as a condition of continued employment, employees must consent to any post-employment background check as determined necessary by the College.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Pre-Employment Criminal Background Check Authorization Form.

	Personnel Policies and Procedures Manual	Recruitment: Section 2.11
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Employment of Foreign Nationals		Applicability: All Employees
Reference(s):		

I. Policy

The College may employ, or make employment offers to, foreign nationals only when U.S. citizens or permanent residents of equal training, experience, and competence for the position are unavailable. Such a determination can only be made following a completely documented search and evaluation process. Employment of foreign nationals will be authorized only under the provisions of this policy and only when conditions and visa requirements established by Federal law are assured and documented. Under no circumstances may any employee of the College knowingly employ, or contract employment with, an unauthorized immigrant.

1. Any offer of employment to a foreign national under a nonimmigrant program is considered temporary and is subject to the terms and conditions of the specific program's work authorization. All employees are required to personally present documents verifying eligibility to be employed in the U.S. Acceptable documents can be a valid driver's license with picture, social security card, birth certificate, U.S. passport, certificate of U.S. citizenship, certificate of naturalization, or alien registration card.
2. Petitions supporting H-1B visa classification will be reserved for individuals who have been offered positions. Holders of H-1B visas may only be appointed for the time period permitted under the individual's visa.
3. The Director of Human Resources with approval is authorize to hire a private attorney to represent the College in any non-immigrant or immigrant petition or application proceedings. A foreign national may choose to retain an attorney to represent his/her interests; however, the College will not pay for private representation for foreign nationals.
4. Nothing in this policy shall be used as a basis for discrimination against any individual or group because of race, color, ethnicity, creed, sex, age (40 and over), religion, national origin, marital status, sexual orientation, gender identity, disability, or veteran status; nor will it be construed to be a basis for circumventing equal employment opportunity laws, policies, and standard employment procedures.
5. For purposes of administering this policy, the College will operate as a separate employer in matters related to petitions and applications for work authorization. The Director of Human Resources is assigned the authority and responsibility to ensure that the provisions of this policy are properly administered and followed. Employment offered to foreign national applicants or candidates for positions is contingent upon receipt of necessary work authorization documents.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 3.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Cultural Awareness		Applicability: All Employees
Reference(s):		

I. Policy

Consistent with the College's philosophy and our dedication to offer students opportunities to appreciate and learn about Diné traditions, College employees are required to attend at least four (4) cultural trainings at the College. The training will be offered each calendar year. Through these trainings, employees can participate in the richness of the Diné Culture and historical teachings which we may include in our daily lives, both personally and professionally. Employees who take at least one Diné Studies course per semester will have met the requirements of the College's Cultural Awareness Policy.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 3.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Employee Definitions & Categories		Applicability: All Employees
Reference(s):		

I. Policy

It is the intent of the College to define employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time. All employees are designated as either Non-Exempt or Exempt for purposes of these policies.

II. Procedures

The Department of Human Resources will make final determination of Employee Classification based on the RPAF submitted by the appropriate Administrator.

III. Definitions

1. Non-Exempt Employees

Employees who are covered for overtime purposes and are paid based on the number of hours worked, and who may be eligible to receive overtime and/or on-call pay. Non-exempt personnel include, but are not limited to, support personnel classified in such categories as administrative assistants, maintenance and custodial workers, security personnel, data services and computer operations employees.

2. Exempt Employees

Employee who are not covered for overtime compensation. Exempt personnel include, but are not limited to, full and part-time instructors and full and part-time exempt personnel that generally include managers, professional positions, administrative positions, and technical staff. Exempt employment is a professional relationship whereby employees are given the flexibility to exercise professional judgment both in how and when the work is done. They are expected to meet operational needs and are evaluated on results achieved.

3. Instructional Personnel

- A. Faculty: Instructional personnel working on a full-time academic-year contract.
- B. Adjunct Faculty: Instructional personnel working on restricted, temporary, part-time contracts for one academic semester. This position is not eligible for benefits, overtime, and/or holiday pay.


4. Non-Instructional Personnel

- A. Regular Full-Time: An employee with a minimum of forty (40) hours per week of assigned duties.
- B. Regular Part-Time: An employee with fewer than forty (40) hours per week of assigned duties. This position is eligible for some benefits.
- C. Temporary Full-Time: An employee who is hired for a period not to exceed six (6) months and 1000 hours and works a minimum of forty (40) hours per week of assigned duties. This position is not eligible for benefits and/or holiday pay.

- D. Temporary Part-Time: An employee who is hired for a period not to exceed six (6) months and 1000 hours and works fewer than forty (40) hours per week of assigned duties. This position is not eligible for benefits, overtime, and/or holiday pay.
- E. Work-Study Student Employee: A student hired to work in accordance with the policies and procedures of the Financial Aid Office.
- F. Non Work-Study Student Employee: A Temporary non work-study student employee hired to work in accordance with the hiring department's policies and procedures who may work up to twenty (20) hours per week. Student must be enrolled in a Diné College degree program and successfully complete a minimum of 12 credit hours each term or 30 credit hours each school year and maintain a GPA of 2.0 or better each semester. This position is not eligible for benefits, overtime, and/or holiday pay.

IV. Form(s) and/or Equipment

There are no forms or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Employment: Section 3.03
			Adoption Date: 07-31-2019 Effective Date: 09-02-2019
	Policy: Reasonable Accommodation		Applicability: All Employees
Reference(s):			

I. Policy

The College's policy prohibits discrimination in employment against disabled individuals and is committed to ensuring equal employment opportunities for disabled individuals. The College will provide reasonable accommodations to employees and applicants for College positions protected by this policy by making changes in the work environment or by changing certain practices and procedures—as long as these changes do not pose an undue hardship on the operation of the College's programs or activities. Employees must maintain institutional standards of performance, attendance, and conduct as specified by the Department, School, or Division.

All medical information related to an individual's request for accommodation is confidential and will be maintained by the Department of Human Resources in a confidential file separate from an employee's personnel file. Funding for accommodations will be handled in the same fashion as any other departmental expenditure. If the unit has insufficient funds, it must seek additional funding through its regular administrative resources.

II. Procedures

Procedure for requesting an accommodation to perform the essential functions of a position, for all campuses (for the person's current position or a position for which the person is applying):

1. To receive an accommodation, employees and applicants must submit the Request for Reasonable Accommodation Form with the Department of Human Resources. Employees are permitted to make the request on College time, but they must first request approval from their appropriate Administrator.
2. During the initial meeting with the Department of Human Resources, two things will be accomplished:
 - A. The Department of Human Resources will determine what documentation from a licensed professional is needed to support the employee's request for accommodation.
 - B. The responsibilities of the College and the employee will be clarified.
3. After reviewing the documentation and the facts of each request, the Department of Human Resources will determine if the employee is eligible for accommodations.
4. The Department of Human Resources will review the marginal and essential functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation. It will then facilitate a discussion with the appropriate Administrator and the employee to determine what accommodations may be reasonable.
5. The Department of Human Resources may seek advice from third-party experts when necessary. Only the Department of Human Resources will retain medical documentation which will be kept in a separate confidential file and it will only share medical information on a need-to-know basis. Supervisors will be informed of the functional limitations and the accommodation.

6. It is the responsibility of the Department of Human Resources office to determine the reasonable accommodation in a particular case after reviewing all the facts. The Department of Human Resources will outline the process for providing the accommodation verbally and in writing to the employee and his/her department.
7. The employee is responsible for contacting the Department of Human Resources if reasonable accommodations are not implemented in an effective and timely manner or if the accommodations are not working. The Department of Human Resources will work with the employee and his/her department to resolve disagreements regarding recommended accommodations.
8. Should the Department of Human Resources determine the person with the disability cannot be reasonably accommodated, then:
 - A. An employee seeking an accommodation in a current position will be placed on the layoff list and be considered for placement into vacant positions in accordance with the Reduction in Force policy and procedures for filling vacancies.
 - B. Any applicant seeking an accommodation for a position—including an employee applying for a position—will be encouraged to continue to seek other employment opportunities with the College.

Requesting an accommodation to participate in the selection process or to participate in employment-related College programs.

1. A disabled person, whether an employee or applicant, who needs an accommodation to participate in a selection process (such as a test or an interview) for a College position, must contact the Department of Human Resources to request an accommodation.
2. An employee who meets the definition of a disabled person who needs an accommodation to participate in an employment-related College program, event, or benefit, must contact the Department of Human Resources to request an accommodation.
3. The request for accommodation must come in a timely manner to allow the Human Resources to respond to the request.
4. The department or unit that receives a request for an accommodation may contact the Department of Human Resources for assistance in determining if the individual is disabled and, if so, for assistance in making a reasonable accommodation.
5. The department or unit will document all requests for accommodations, responses to the requests, and forward any medical records to the Department of Human Resources.
6. Employees who violate this policy are subject to disciplinary action, up to and including termination.
7. An individual who believes the College has not met its obligations under this policy should contact the Department of Human Resources.


III. Definitions

1. Disabled Individual – Is an individual who has a physical or mental impairment that substantially limits one or more major life activities (examples are walking, speaking, seeing, hearing, and performing manual tasks); or
 - A. Has a record of such an impairment; or
 - B. Is regarded as having such an impairment.

2. **Qualified Disabled Individual** – Is someone who is capable of performing the essential functions of the job or jobs for which he/she is being considered with reasonable accommodation to her/his disability.
3. **Substantially Limits** – Means the degree that the impairment affects an individual's employability. A disabled individual who is likely to experience difficulty in securing or retaining benefits or in securing, or retaining, or advancing in employment would be considered substantially limited.
4. **Major Life Activity** – Major life activity would include, but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Additional major life activities would include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

IV. Form(s) and/or Equipment

1. Request for Reasonable Accommodation Form

	Personnel Policies and Procedures Manual	Employment: Section 3.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Non-Instructional Employee Probationary Status		Applicability: Administrators and Staff
Reference(s):		

I. Policy

The probationary period is an intrinsic part and an extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by the supervisor. This period will be utilized to train and evaluate the employee's adjustment to work tasks, conduct and observance of rules, attendance, and job responsibilities. Employees on probationary status may be released from employment with cause, without internal appeal rights, during probation when performance does not meet required standards of job progress and performance.

1. Length of Probationary Period

- A. The probationary period for non-supervisor employees is sixty (60) workdays.
- B. The probationary period for supervisors will be one-hundred twenty (120) workdays.

College observed Holidays are counted as workdays during an employee's probationary period.

2. Probationary Period Conditions

- A. When a temporary employee applies and is selected to a regular position within the College, he/she must successfully complete the sixty (60) working days probationary period for non-supervisory positions and one-hundred twenty (120) work days for supervisory positions. Selection must comply with Navajo Preference in Employment Act requirements.
- B. An employee who is promoted or hired to a new position is subject to a probationary period.
- C. An employee who is reclassified in his/her current position is not subject to a new probationary period.
- D. At the discretion of the supervisor a probationary employee can seek professional development training including a defensive driving certificate, if the position requires traveling.
- E. A probationary employee is eligible to file complaints or grievances on matters related only to discriminatory harassment and sexual misconduct.
- F. Time spent on paid leaves that exceed two weeks, unpaid leave, layoffs, or time off for College observed holidays is not calculated as part of the probationary period.
- G. The employee is not eligible for some benefits. However, upon successful completion of the probationary period the employee will become eligible for all benefits.
- H. An employee serving a probationary period is not eligible to apply for other College positions.
- I. Probationary periods may be extended by the appropriate Administrator for up to thirty (30) workdays once it is determined that such an extension is necessary to further evaluate the employee's ability to perform his/her full scope of assigned duties. In these cases, the

employee will be advised of the extended duration of the probationary period prior to the conclusion of the probationary period.

II. Procedures

All direct supervisors are required to evaluate the employee's performance during the probationary period and complete at least one performance evaluation within the probationary period.

1. All direct supervisors must meet with the employee to go over the following at the beginning of employment:
 - A. Review of Job Description;
 - B. Workplace Expectation;
 - C. Performance Evaluation metrics that will be used.
2. Within thirty (30) calendar days prior to the end of the probationary period the supervisor must submit performance evaluation with memorandum to the Department of Human Resources indicating one of the following:
 - A. Satisfactory performance during the probationary period;
 - B. Extension of probationary period; or
 - C. Unsatisfactory performance during probationary period.


An employee whose performance is unsatisfactory during an original appointment will be terminated and will be informed of reasons for termination. An employee whose performance is unsatisfactory following a promotion may or may not be returned to his/her former classification.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Performance Appraisal Form

	Personnel Policies and Procedures Manual	Employment: Section 3.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Faculty Probationary Status		Applicability: Faculty
Reference(s):		

I. Policy

This policy describes the probationary status faculty and the procedures for renewal of faculty contracts. Nothing in this section is intended to create an expectation of a renewal of a faculty contract, either expressed or implied.

1. Length of Probationary Period

- A. During the probationary period, the new faculty member will be issued a faculty contract for one (1) Academic Year or two (2) successive semesters.

2. Probationary Period Conditions

- A. When a temporary employee (e.g. Adjunct Faculty) applies and is selected to a full-time faculty position within the College, he/she must successfully complete the Probationary Period. Selection must comply with Navajo Preference in Employment Act requirements.
- B. A faculty member who is promoted or hired to a new position is subject to a probationary period.
- C. A faculty member who is reclassified (e.g. ranked) in his/her current position is not subject to a new probationary period.
- D. At the discretion of the School Dean a probationary faculty member can seek professional development training including a defensive driving certificate, if the position requires traveling.
- E. During probation, a faculty is eligible to file complaints or grievances on matters related only to discriminatory harassment and sexual misconduct.
- F. Time spent on paid leaves that exceed two weeks, unpaid leave, layoffs, or time off for College observed holidays is not calculated as part of the probationary period.
- G. A faculty member is not eligible for some benefits. However, upon successful completion of the probationary period the employee will become eligible for all eligible benefits.
- H. A faculty member serving a probationary period is not eligible to apply for other College positions.
- I. Faculty shall have no property rights or expectation of renewal or retention upon expiration of contract. Contract non-renewal is not adverse action and is not subject to grievance.

II. Procedures

School Deans are required to evaluate the probationary faculty's performance during the probationary period and complete at least one performance evaluation within the probationary period.

- 1. All direct supervisors must meet with the probationary faculty member to go over the following at the beginning of employment:
 - A. Review of Job Description;


- B. Workplace Expectation;
 - C. Performance Evaluation metrics that will be used.
2. Within the semester prior to the end of the probationary period the School Dean must submit a performance evaluation of the probationary faculty member with a memorandum to the Department of Human Resources indicating one of the following:
- A. Satisfactory performance during the probationary period; at which time a renewal will be issued by the Department of Human Resources; or
 - B. Unsatisfactory performance during probationary period; faculty must be informed of reason(s) of non-renewal of contract. Will not have any grievance rights in the event the appropriate School Dean recommends non-renewal of the faculty Contract.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

- 1. Faculty Performance Appraisal Form
- 2. First-Year Faculty Contract

	Personnel Policies and Procedures Manual	Employment: Section 3.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
	Policy: Adjunct Faculty Conditions of Employment	Applicability: Adjunct Faculty
Reference(s):		

I. Policy

It is policy for all Adjunct Faculty to coordinate with their respective Schools within the College or appropriate Dean before the start of each semester. Adjunct faculty members who apply for an open, externally advertised full-time faculty or staff/administrative position with the College shall be given credit for prior experience with the College according to the criteria established. However, adjunct faculty are not given other priority consideration or given the right to a full-time position with the College.

1. Adjunct faculty members are issued restricted, temporary, part-time contracts for one academic semester. Upon completion of the contract, no further obligation on the part of the College is implied or may be construed.
2. Adjunct Faculty members are required to provide assessment artifacts to their appropriate School Dean.
3. An adjunct faculty member shall (1) have no property right or expectation of renewal or retention upon the expired contract; (2) not be entitled to a statement of reasons for no renewal or no retention; and (3) not have grievance rights in the event a contract is not issued for the next semester or session.
4. The maximum instructional workload for an Adjunct Faculty member is nine (9) credit hours per semester.
5. The protection of academic freedom applies to all faculty members and to all others who exercise teaching or research responsibilities while they are fulfilling responsibilities as faculty members. Adjunct Faculty members are not eligible for any employment benefits.

II. Procedures

The appropriate School Deans shall determine if Adjunct Faculty are needed to augment the full-time faculty when extra instructors are needed.


1. School Dean must submit a Request for Personnel Action Form (RPAF) to the Department of Human Resources to advertise for any Adjunct Faculty Position.
2. Upon selection of an Adjunct Faculty the Department of Human Resources shall draft an Adjunct Faculty Contract for proposed semester.
3. Hiring shall be in accordance to the Navajo Preference in Employment Act and the College's Recruitment and Hiring policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Request for Personnel Action Form
2. Adjunct Faculty Contract

	Personnel Policies and Procedures Manual	Employment: Section 3.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Faculty Conditions of Employment		Applicability: Faculty
Reference(s):		

I. Policy

Faculty shall perform all the duties of a faculty faithfully and satisfactorily in accordance with the highest professional standards and the duties and responsibilities set forth in the Personnel Policies and any written position description supplied to Faculty by the College.

II. Procedures

Faculty's duties include, but are not limited to the following:

1. As more fully detailed below, faculty shall maintain a minimum of thirty (30) credit hours instructional workload per academic year. Advisement, classroom and degree program assessment, and committee work (other than Standing Committees) and/or taskforces are also expected as contractual duties.
2. Upon written approval by the appropriate School Dean based on appropriate justification, School Deans may reduce a faculty member's instructional workload hours for grant management, research, and specific academic endeavors up to nine (9) credit hours.
3. While faculty is required to carry out committee work in addition to faculty's 30.0 credit hour contracted workload requirement, Standing Committee Chairs will have their minimum instructional workload reduced by three (3) instructional workload hours for the academic year.
4. Distance Education Workload

For purposes of measuring instructional workload, online courses, hybrid courses, and ITV (Interactive Television) courses are treated as equivalent to face-to-face courses.

Full-time faculty may teach no more than fifteen (15) credits hours may be taught online and if faculty's instructional workload exceeds thirty (30) credit hours, no more than half of their credits may be taught online. This is to ensure that the faculty member remains a visible member of the College community by fulfilling other duties as committee members, advisors, and School members.

Full-time faculty can teach no more than six (6) credit hours online courses during each academic semester.

5. Independent Study Workload

An independent study course may be offered by full-time faculty if a student needs a course for graduation and there is not sufficient enrollment for the course to be offered. A student must receive permission from the School Dean to enroll in an independent study course. Faculty of record are required to document the student's progress.

Independent Study will be calculated as such:

- 1 credit course = 0.2 Instructional Workload per Student
- 2 credit course = 0.4 Instructional Workload per Student
- 3 credit course = 0.6 Instructional Workload per Student

6. Advising

All full-time faculty members are expected to serve as student advisors. This means being available during registration week and posted office hours for advising purposes. The duties include assisting in registration, offering advice for career options, following the academic progress for each student, assisting in transitioning and transferring to other educational institutions, helping students petition to graduate, and apply to Post-Baccalaureate Programs. It is the duty of the faculty to be fully cognizant of the course offerings, course sequence and degree checklists for all of the options offered in their School. It is the obligation of faculty members to coordinate with the School Deans to ensure the accuracy and completeness of their knowledge in these degree program areas. They should make reasonable efforts, working with the School Deans, to meet face-to-face with their advisees to promote students' academic progress.

7. Assessment

Faculty are required to partake in Assessment through planning, conducting, contributing of artifacts, and data analysis in the development of their School's plans for program and course assessment, including an annual assessment retreat, as well as related College-wide training and inter-campus meetings. Faculty are required to participate in the Academic Program Review.

8. Committees and Disappearing Task Forces

Faculty members are assigned by School Deans to one or more College committees. Committee Chairs are elected by committee members. Operating statements for each committee, outlining the mission, goals, and activities of the committee, are posted on the College's Intranet site. The Committees include the following:

A. Academic Committees

- | | |
|-------------------------|-----------------------|
| i. Academic Standards | iv. General Education |
| ii. Curriculum | v. Student Learning |
| iii. Distance Education | |

B. College Service Committees

- i. Articulation Task Force
- ii. Disappearing Task Force (DTF) – faculty may elect to serve on, or be assigned by, the School Deans, Provost, College President to a project specific Task Force as may be needed. A DTF is a group of faculty, students, and or staff who volunteer, or may be assigned by the School Deans, Provost, or College President, for a specific purpose for a finite period of time. Once the task of the DTF is accomplished, the group is disbanded.
- iii. Institutional Review Board
- iv. Data Committee

9. Grants Management

Interested faculty members will take the initiative to apply for, procure, and manage grants. In all cases, grant projects should serve to advance the mission of the College, its strategic goals, and the goals and learning outcomes of the College's academic programs. Grant proposals must be reviewed and approved internally according to timelines and procedures spelled out in the "Grants Proposal Approval Form," available at the Institutional Grants Office. The form must

be submitted ten (10) working days prior to the grant application deadline. For complete information, consult the Institutional Grants Office.

10. Scholarship Endeavors

The College encourages faculty members to be active scholars whose research is of high quality and service to the Navajo Nation. Scholarship takes a variety of forms and is presented to the public in a variety of ways: the development of oral narratives and presentations to local and regional audiences; the publication of original research in professional journals; the publication of books; the presentation of papers at scholarly conferences; performances and gallery exhibitions; and grant proposals, to name a few. Facilitation of original student research, and the development of textbooks, workbooks, computer software, and other teaching resources are other kinds of scholarship. Evidence of such scholarly contributions is favorably considered in faculty members' annual performance evaluation and ranking.

NOTE: Although the College may be able to support some such scholarship there is no obligation by the College to do so and, therefore, faculty may have to carry out such scholarly endeavors on their own time and with their own funds.

11. Class Cancellation

The decision to cancel classes is taken seriously. The reputation of the College and the integrity of our academic programs rely on every class being conducted according to the schedule. There are future financial ramifications for students and their employers whenever a class is not held. For every class cancellation, faculty should consider the following expectations.

C. Inclement Weather Cancellations

Faculty is responsible for notifying students and their Dean directly of the decision to cancel a class. Administrative assistants or other support staff should not be expected to assume this responsibility for any faculty member.

If an institutional decision is made to close the College for inclement weather conditions, faculty members do not need to contact students. Faculty will reschedule a cancelled class.

D. Anticipated absence

Faculty shall announce cancellation to students well in advance – in the syllabus if possible. Alternative activities or assignments will be shared with students to make up the time.

E. Emergency Absence

Occasionally a medical or personal emergency arises which necessitates canceling a class at the last minute. If possible, Faculty will notify students. Any emergency absence should be reported to the Dean as soon as possible, either by the faculty member or the administrative assistant.

12. Course Cancellation

When there is insufficient enrollment, unavailability of an instructor, or budgetary constraint, the School Deans in consultation with the impacted faculty has the right to cancel the course by the end of the first week of classes. Students enrolled in a course that is cancelled will be dropped automatically and notified to see their advisor.

F. Priority of keeping classes open:

- i. Course needed for graduation for current or the next semester
- ii. Course needed to follow the two-year AA or four-year BA graduation plan.

- iii. Course needed has not been offered within the last year.
- iv. Course is highly technical or a highly specialized for a limited number of students and will not likely meet the five minimum practice requirement and has not been offered during the same academic year

13. Capping Class Enrollment

Optimal class size is between 20 and 30. Capping class size is based on classroom capacity, course content, and safety. The School Dean sets the cap and must give approval for raising it. Decisions about optimal class size must be made in consultation with impacted faculty of the affected class, but are ultimately up to the discretion of the School Dean.

14. Class Scheduling

In creating course schedules, faculty members will work with their School Dean and consider the following:

- G. Established course sequences.
- H. The requirement that Schools offer courses at different times (mornings, afternoons, and evenings), including weekends, and via different modes (e.g., ITV and online) based on student needs, and classroom availability.
- I. This schedule may be submitted to the School Dean in any format acceptable under School guidelines. Use of digital (i.e., computerized) Course Scheduling Request forms (“CSRs”) by faculty members is required.
- J. Requests for teaching any course that is less than 16 weeks during the Fall or Spring semesters must be accompanied by a justification. The School Dean will make the final determination.
- K. School Deans with Administrative Assistants are responsible for submitting all CSRs by the established deadline.
- L. School Deans consult with Center Directors/Managers about course offerings and schedules. School Deans make final decisions about course offerings, schedules, and staffing.

2. Student Counseling Service Referrals

Student Success Center provides an array of services for students. Services include reasonable disability accommodations and counseling services. For a student who is in need of these services, faculty should notify a designated individual from Student Success Center e.g. Disability Coordinator and/or Counselor. It is important to refer students in a timely fashion to impact their performance and well-being.

3. Addressing Disruptive Behaviors

Disruptive behavior in the classroom is left to the discretion of the individual faculty member. If a student displays such behavior, the faculty member should deal with it early and directly by speaking to the student. If it continues to be a problem, the faculty member may ask the student to leave the classroom and should report the student to the appropriate School Dean who in turn will make a report to the student counselors. An Incident Report Form should be kept for each instance of disruptive behavior, including how it was addressed. At the faculty member's request and with appropriate documentation, the School Dean will administratively withdraw the student from class or classes in accordance with faculty course syllabus and the Student Conduct. Faculty can call the Campus Security at any time the situation warrants.

15. Equipment and Supplies

The use of all audio-visual equipment for instructional purposes is coordinated by the School Dean and faculty member. Instructional supplies may be ordered by faculty members through purchase requisitions approved by the School Dean. Reimbursements are not guaranteed without the School Dean's prior approval. Faculty members are not responsible for providing supplies to students.

16. Field Trips

Faculty members may schedule learning experiences away from the College for which student attendance may be required. Such experiences should have the prior approval of the School Dean, and students must be informed of the event in the course syllabus. Syllabus information should include, where possible, the purpose of the activity, travel logistics (including itinerary and schedule of events), risks, and any financial responsibilities of the student.

The faculty sponsor must ensure that students complete the Class Release Form at least two weeks prior to the trip, which serves to notify the students' other instructors about the field trip and gain their approval for the students to participate. The Class Release Form must be returned to the Registrar, who checks the academic standing of each possible field trip participant. Only those students in good academic standing may participate in the trip.

Each student who has been approved for the trip must complete a Field Trip Expectation and Obligations Form. This form spells out trip logistics, expectations and obligations, and emergency contacts. It must be compiled by the faculty sponsor, and turned into the School Dean, prior to the trip.

If the sponsor(s) intends to use a school vehicle for the trip, there are additional travel request forms to complete. They are available from the School Dean and General Services. The School Deans are responsible for ensuring faculty compliance with this policy.

17. Grading

The faculty report academic achievement in letter grades and quality points, as follows:

A Superior	4
B Above Average	3
C Average	2
D Poor	1
F Fail	0
AU Audit	0
W Withdrawn (Input by Registrar)	0
I Incomplete (With appropriate Incomplete Form)	0
IP In Progress (Developmental Course Only)	0

It is the responsibility of each faculty member to use the above system and to determine the requirements for each grade in each of her or his courses. Faculty must enter final grades online by the deadlines established in the semester calendar and posted by the Registrar's office.

A faculty member should request a change of grade only when a student fulfills and completes necessary assignments required by faculty member. If a change is justified, it must be requested on a Change of Grade form with clear justification given; and it must be approved by the School Dean. If a student requests a change of grade which is denied by the faculty, the student has

the right of appeal in accordance with the Provost Appeal process flowchart and student code of conduct.

All faculty members must keep grade records for two years that justify students' grades.

18. Incompletes

A student that was doing satisfactory work but for reasons beyond her or his control, was unable to meet the full requirements of the course during the semester scheduled may request an "Incomplete" (I). The faculty member assigning the "I" has the responsibility of submitting to the registrar's office the proper forms describing the work to be completed. This documentation is to be filed with the Registrar's office at the time grades are posted. A completed copy of the form "Incomplete Grade Assignment" must be submitted to the Registrar's office at the time a grade of Incomplete is assigned, and the copy must be attached to the "Change of Grade" form when the "I" is later cleared. The student must complete and submit all work by the end of the following semester.

Students who stop attending class prior to midterm will be administratively withdrawn from the course. A grade of "I" cannot be assigned in this situation. An incomplete must be removed before the end of the following year whether or not the student is enrolled; otherwise, the incomplete will be recorded as an F. A time extension for completing an incomplete requires a written request by the faculty to the School Dean explaining the unpreventable delay and written approval must be given by the School Dean for this extension. The extension must be requested prior to the end of the semester in which the incomplete would be automatically changed.

19. In Progress Grades

This grade indicates that the student has met attendance requirements and has worked continuously toward meeting the objectives of the course but must re-enroll in the course the next semester that the course is offered. The IP may be given only once for the same course and only in developmental courses in Reading, Writing, and Math.

20. Office Hours

Faculty are required to schedule five office hours per week that accommodate the needs of the students. Faculty should also announce their office hours and the location of their office at the first class meeting. Office hour information must be posted outside the office as well as stated in the course syllabus.

21. Course Syllabi

Each faculty member is required to complete a course syllabus for each course taught, a copy of which should be kept on file within the Schools. The course syllabus should include:

1. Course number
2. Course title and credits
3. Semester
4. Class meeting time
5. Class meeting location
6. Instructor Name
7. Office location
8. Office hours

9. Office phone number
 10. E-mail address
 11. Best contact method
 12. Prerequisites
 13. Required lab (if any)
 14. Course description (directly from College Catalog)
 15. Course outcomes as related to SNBH
 16. Learning Outcomes (as determined by Programs)
 17. Learning Outcome Measures (as determined by Programs)
 18. Required textbooks and resources
 19. Supplemental textbooks
 20. Course schedule
 21. Assessments (Program Assessment)
 22. Evaluation procedures
 23. Grading scale
 24. Attendance expectation
 25. Reference to the Student Code of Conduct and the College Catalog (use the language in the syllabus template)
 26. Disability service
 27. Academic Integrity
 28. Student Grievance Process
 29. Prepared by Name
 30. Reviewed by (School Deans)
- 22. Placement Testing**
- The College requires all new students to take the reading, writing, math and Navajo language placement tests prior to or during registration to determine class placement. Students are expected to accept the course placement indicated by their tests scores. However, if students feel they should be placed into a higher course, they can challenge the tests. If a faculty member in a developmental class recommends (based on a writing sample or other academic indicator) that a student be exempted from a course in the developmental sequence, that student may be moved ahead with concurrence of the School Dean.
- Only a School Dean, in consultation with the affected faculty member(s), may override a student placement.
- Exceptions may be made for transfer students who have successfully completed English, Math, Reading or Navajo Language at another institution. For all students, a passing score on the reading test or evidence of successful completion of the College's series of reading courses is required for graduation.
- 23. Textbook Adoption**

Faculty is responsible for placing orders (if needed) in a timely manner for textbooks when CSRs (Course Scheduling Request) are submitted to the appropriate School Dean for approval.

24. Changes in Curriculum

Faculty may propose to modify or make changes to a curriculum.

- A. The faculty member proposing a new course or program must submit a “New Program Proposal” or “New Course Proposal” to the School Deans by February 15.
- B. Modifications to existing courses and programs may be proposed on the “Course Modification form” and “Program Modification form.”
- C. The Curriculum Committee must approve new courses and new programs and modifications to existing courses and programs by a majority vote.
- D. It is the responsibility of the Curriculum Committee to act upon all proposals for new programs and courses and modifications to existing courses and proposals by March 1.
- E. Following approval of the Curriculum Committee, new program proposals are forwarded to the Provost Council, the Executive Team, and the Board of Regents for consideration and approval. Once a new program has been approved, it is the responsibility of the School Dean and faculty to implement the new program.
- F. Course and program descriptions that work from approved additions, modifications and deletions to the curriculum must be sent from the Curriculum Committee to the Registrar Office by April 1 to ensure for timely production of the College Catalog.

25. School Meetings

School meetings for faculty and staff should be held on a regular basis and School staff and faculty are required to attend.

26. Continuing Faculty Contracts

A renewable Two-Year Contract may be offered when a faculty member successfully completes the one (1) year probationary contract period and is given a satisfactory performance evaluation.

The appropriate Dean will determine renewal or nonrenewal of faculty contracts based on appropriate evaluations and reports by close of business Friday at the end of the third week in February.

- G. The Provost will then recommend to the President renewal or non-renewal of contracts by close of business Friday at the end of the second week in March.
- H. The College President will offer renewal of contracts or notify faculty of non-renewal of contracts by close of business on the fourth week in March.
- I. Conditions for non-renewal. Non-renewal is defined as failure to carry out duties as set forth in this policy. If the faculty contract is not renewed by the College President, a written notification of non-renewal to the Faculty member will be sent by March 31.

Each faculty member who is offered a contract renewal must return the proposed faculty contract to the Department of Human Resources no later than ten (10) working days after receipt of the offer of renewal from the President. A proposed faculty contract that is not returned to the Department of Human Resources within the ten (10) working days shall not be renewed.

III. Definitions

1. Credit Hours

1 credit hour is equal to fifteen (15) clock hours of instruction per semester, excluding finals week (College Catalog p.24).

2. Contact Hours for Labs

Are equivalent to 0.7 credit hour.

3. Independent Study

Independent Study is defined as student learning guided by the instructor but typically does not take place in classroom or with other students every day.

4. Distance Education


A. Online Courses – A course taught by or in an asynchronistic method.

B. Hybrid Courses – A course in which some traditional face-to-face “seat time” has been replaced with online educational activities.

C. ITV Courses – ITV courses course delivered via interactive television.

IV. Form(s) and/or Equipment

- 1. Incident Report Form**
- 2. Field Trip Class/Course Release Form**
- 3. Field Trips Expectations and Obligations Form**
- 4. Grants Proposal Approval (GPAF) Form**
- 5. Two-Year Faculty Contract**
- 6. Course Schedule Request (CSR) Form**
- 7. Textbook Adoption Form**
- 8. Independent Study Workload Request Form**
- 9. Faculty Workload Form**
- 10. End of the Semester Workload Form**
- 11. Service Project Agreement Form**
- 12. New Course Request Form**
- 13. Course Modification Form**
- 14. Program Modification Form**
- 15. Course Deletion Form**
- 16. Incomplete Grade Report Form**
- 17. Drop Form**
- 18. Counseling Services Referral Form**
- 19. Degree Program Assessment Report Form I**
- 20. Degree Program Assessment Report Form II**

	Personnel Policies and Procedures Manual	Employment: Section 3.08
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Faculty Performance Evaluation		Applicability: Faculty
Reference(s):		

I. Policy

As part of the continuing evaluation of the professional growth of each faculty member, the appropriate Dean will hold a performance review with each faculty member in their respective schools. Copies of written summaries will be kept by the Dean at the end of each academic year for the evaluations completed in that academic year. The appropriate Dean will certify, as part of the school report, that reviews have been completed according to the College policy. The report shall also list the individuals reviewed and the dates of the reviews.

II. Procedures

1. Types of Evaluations

Evaluations shall be conducted to enhance professional development and as a basis for making contract renewal decisions. Each of the following four methods of faculty evaluations will be used:

- A. Classroom observation shall be conducted by a peer using a standard rubric.
- B. Student course evaluations shall be completed for each course offered.
- C. Dean evaluation shall be completed for each faculty member.
- D. End-of-Semester workload self-report shall be submitted by the faculty member no later than five (5) business days after the end of each term. In addition, informal meetings during the semester between the Dean and the faculty member may take place when deemed necessary to review a faculty member's progress.

2. Continuing Faculty

Continuing faculty members shall be given at least one performance evaluation on or before March 1 every year after completion of the probationary period.

3. Evaluation Instruments

Evaluation instruments shall be based upon the College's instructional goals and position descriptions.

4. Performance Improvement Plan

When the evaluation indicates that performance improvement is needed, a performance improvement plan will be documented and discussed with the employee by the Dean.

5. Continued Deficient Performance


If an evaluation of any faculty suggests unsatisfactory performance, and further evaluation indicates that the Performance Improvement Plan has not resulted in improved performance, the Dean may determine non-renewal of the faculty member's contract upon expiration of the existing contract or termination with concurrence of the Provost and Director of Human Resources.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Faculty Evaluation Form

	Personnel Policies and Procedures Manual	Employment: Section 3.09
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Adjunct Faculty Performance Evaluation		Applicability: Adjunct Faculty
Reference(s):		

I. Policy

To ensure the academic integrity and vigor in course content is consistent throughout all campuses and centers, School Deans will provide supervision and evaluation of Adjunct Faculty.

II. Procedures


The School Deans provide supervision and evaluation of Adjunct Faculty. Student Course Evaluations, observation by supervisors, and syllabus review are utilized in the Adjunct Faculty evaluation process. The Dean or a peer from the academic school will visit as many classes as possible throughout the semester to observe the classroom situation to be evaluated in the performance appraisals. The School Dean may make unannounced observations of Adjunct Faculty teaching methods.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Adjunct Faculty Evaluation Form

	Personnel Policies and Procedures Manual		Employment: Section 3.10
			Adoption Date: 07-31-2019 Effective Date: 09-02-2019
	Policy: Staff and Administrator Performance Evaluation	Applicability: Administrators and Staff	
Reference(s):			

I. Policy

The College is committed to providing all staff and administrators with meaningful performance reviews. Performance reviews are designed to determine how well employees achieve their established goals and perform job duties. Administrators are responsible for establishing departmental goals that contribute to the College's mission. They are also responsible for working with each employee in the department to establish individual employee goals and duties that contribute to both the department's goals and the College's mission. The College is committed to providing the resources necessary to review and recognize employees based on achievement and performance on a regular and ongoing basis.

II. Procedures

Performance review and recognition is a clearly defined and ongoing process that contributes to positive communication, mutual respect, improved performance, individual growth, and career development. This ongoing process involves frequent communication between employees and supervisors about goals and duties, performance standards, and expectations. It seeks to provide greater accountability and effectiveness, and to foster a culture of quality performance and continuous improvement with a focus on internal and external customer service. The Performance Review program is designed so that employees: (1) are aware of expectations and standards; (2) receive timely feedback about their performance; (3) receive opportunities for improvement, education, training, and career development; and (4) receive recognition in a fair manner.

An employee's performance will be reviewed in a fair and reasonable manner. The performance review may be used as the basis for personnel decisions, including such things as career development, compensation increases, and disciplinary action, if appropriate.

1. **Mutual Responsibility** – Employees and supervisors will work together to develop and identify goals, objectives, duties and performance standards that will be the basis of the employee's performance review. They should also agree upon training and development opportunities necessary for high quality performance and excellent service. Supervisors have dual roles of supervisor and employee.
2. **Supervisor Responsibilities** – All employees who supervise one or more staff will be reviewed on their performance of the supervisory functions listed below and the timeliness and quality of the performance reviews conducted for each of their employees. Supervisors are responsible for:
 - A. completing training on performance review and recognition;
 - B. establishing the departmental goals;
 - C. seeking input from employees and working with them to develop individual employee goals and duties;
 - D. providing employees with clear expectations, consistent measures, and achievable standards of performance;
 - E. supporting and providing resources for employees to meet performance standards;

- F. engaging in ongoing performance reviews that include regular feedback on established goals and duties as well as carrying out an annual written performance review for each direct report;
 - G. identifying performance deficiencies, providing assistance and support, and making corrections and improvements;
 - H. assisting employees in identifying and participating in career development and training programs; and
 - I. recognizing outstanding performance on a regular and on-going basis.
3. Employee Responsibilities - All employees are responsible for:
- A. providing input to their supervisor in the development of individual goals that contribute to departmental goals and the College's mission;
 - B. meeting expectations and achieving performance standards;
 - C. providing their supervisor with a self-assessment of accomplishments with respect to goals, duties, and College values;
 - D. discussing concerns and/or questions about any part of their job description or performance review with their supervisor;
 - E. identifying and participating in career development and training opportunities.
4. Training

Training is critical to a quality performance review and recognition program. Individuals responsible for reviewing employee performance will complete training on how to implement the performance review and recognition program. Additional programs are available to train, support, and guide supervisors and employees in performing responsibilities, such as setting goals, giving effective feedback, and writing performance standards.

5. Performance Review Process

The Performance Review form is both a planning tool and a performance evaluation instrument. At the beginning of the review period the supervisor defines the goals and duties on which the employee will be reviewed during the upcoming review period and places them on the Performance Review form. The supervisor meets with the employee to discuss the expectations. These expectations are the basis for the employee's performance review. The supervisor will give a copy of the form to the employee to assist the employee in striving for excellence during the review period.

The supervisor will provide the employee with regular feedback about his/her performance throughout the year. During the review period, the supervisor should coach and mentor the employee to assist the employee in reaching his/her goals and achieving optimal performance. The supervisor is required to complete a written performance review at least annually. The supervisor and employee will meet to discuss the performance review. The employee will be given reasonable advance notice of the date of the written performance review. The supervisor will ask the employee to complete and submit a self-assessment prior to the performance review.

6. Frequency and Timing

Supervisors will complete a written performance review for each of his/her direct reports at the end of that employee's probation, and thereafter at the end of each review period. The review period is January 1 - December 31. The written performance review must be completed by

March 31 of the following year. The Department of Human Resources will verify that all performance reviews are completed by March 31 of each year.

7. Ratings

There are five rating categories (from highest to lowest): Exceptional Performance (5), Above Average (4), Meets Performance (3), Needs Improvement (2), and Poor Performance (1). These rating categories are used on the Performance Review form to evaluate individual categories and overall performance. The overall performance is used to determine merit pay.

8. Change in Supervisor

A supervisor leaving a position is required to document employee performance prior to leaving. If an employee's supervisor changes, the employee will normally be reviewed on the goals and duties, performance standards, and expectations stated in the last written performance review. The new supervisor will meet with the employee to discuss and document any changes to the previously stated goals and duties, performance standards, and expectations.

9. Finalizing the Performance Review Form

After completing the Performance Review, the employee and supervisor sign the Performance Review form. The supervisor's signature indicates that he/she has followed the process and completed the form. The employee's signature indicates that he/she has read and understood the Performance Review. The employee's signature does not necessarily indicate agreement with the supervisor's assessment of his/her performance. Supervisors will collect all departmental reviews and submit them to the Department of Human Resources each spring as part of the annual merit pay process.

10. Employee Disagreement with Written Review

If a post-probationary employee disagrees with his/her written performance review, the employee may: (1) attach a response to the performance review and (2) request reconsideration by the next level supervisor to identify and clarify relevant issues in an attempt to resolve concerns about the performance review. The parties are expected to act in good faith.

11. Performance Improvement Plan

When the review indicates that performance improvement is needed, a performance improvement plan will be documented and discussed with the employee by the supervisor. The employee may be allowed up to 120 calendar days to correct the deficiencies noted in the performance improvement plan. Failure to correct the deficiencies noted in the performance improvement plan may result in disciplinary action.

12. Recognition

Performance recognition can take many forms to reward employees who have demonstrated excellence as reflected in their written performance reviews. There are various ways to recognize employees for their achievements. These can include career development opportunities, certificates of appreciation, subscriptions to professional journals, and memberships in professional organizations. Supervisors wishing to use some other methods of recognition should first consult with the Department of Human Resources to ensure that the method is in compliance with College policies. In addition to departmental recognition, the College will also recognize outstanding performance.

13. Attachments to the Performance Review

The College encourages career development for all staff members. Supervisors have the responsibility to assist and guide employees in their career development efforts. The supervisor

and employee should discuss the employee's career development goals during the performance review process, both while planning performance expectations for the year and at the time of the performance review. The Career Plan Form should be used to specify the employee's career development goals and the actions that will be taken to achieve them.

14. Program Monitoring

The Department of Human Resources will monitor, track, and evaluate the performance review process for quality, improvement, and program success.

15. Records Retention


Copies of performance reviews will be maintained in the employee's official personnel file at the Department of Human Resources.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

- 1. Non-Supervisor Performance Evaluation Form**
- 2. Supervisor Evaluation Form**

	Personnel Policies and Procedures Manual	Employment: Section 3.11
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Reassignment		Applicability: Administrators and Staff
Reference(s):		

I. Policy

The College reserves the right to reassign employees, along with additional duties and/or change in position location, if deemed necessary for efficient operations, improved use of resources, and/or organization necessity. Reassignments shall be made with consideration of the employee's knowledge, skills, abilities and salary.

II. Procedures

The appropriate Administrator may modify the duties, responsibilities and/or reporting relationship of any employee's position under his/her line of authority.

Reassignment shall not result in any adjustment in salary as Reassignment is not a promotion, demotion, or any other form of disciplinary action and therefore is not subject to the grievance policy.


1. The appropriate Administrator must complete and submit a Request for Personnel Action Form (RPAF) of an employee for which he/she wishes to reassign with an attached memorandum identifying the operational needs, improve of resources, or efficiency the reassignment will provide the institution to the Vice President or Provost.
2. Request for approval must be submitted at least two (2) weeks prior to the start of the reassignment.
3. Upon approval by the Vice President/Provost, the Administrator must notify the employee being reassigned and submit all documents to the Department of Human Resources.
4. Please note that if reassignment is to another Division then both Vice Presidents (and Provost) must approve the request.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Request for Personnel Action Form

	Personnel Policies and Procedures Manual	Employment: Section 3.12
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Interim Assignment/Stewardship		Applicability: All Employees
Reference(s):		

I. Policy

Service professional, academic professional and administrative managerial staff may be asked to serve in an interim appointment. This is most commonly used to continue operations when a critical-position vacancy occurs. Interim assignments and related conditions (compensation, title, length of appointment, conditions of appointment, etc.) are subject to the approval of the President and the appropriate Vice President.

It is expected that an employee will occasionally perform duties above and below his/her grade or classification without expectation of additional pay or reduction in pay. Such occasional fluctuations in duties are normal and do not constitute an interim assignment.

II. Procedures

If an employee primarily performs work at a higher grade over an extended and continuous period of time, greater than thirty (30) work days, the employee will be appointed to an interim assignment or stewardship and the following procedure is to be followed:


1. If the employee meets the minimum qualifications for the position to which he/she is temporarily appointed, the employee will be appointed to an interim assignment which may not exceed six (6) months.
2. If the employee does not meet minimum qualifications he/she may be appointed to a stewardship not to exceed three (3) months.
3. The employee must assume at least 80 percent of the job responsibilities for the position to which he/she is temporarily appointed through interim assignment or stewardship.
4. Interim assignment or stewardship will result in the employee's compensation being at least at the minimum of the new pay grade. If the compensation is above minimum, the compensation will be based on the qualifications in the new position. An average increase ranges from 5 percent to 10 percent. Compensation adjustment will be effective until after the initial thirty (30) work days have been exhausted.
5. The appropriate Vice President (Provost) should submit a written request/justification to the President for approval in consultation with the Director of Human Resources.
6. Unless impracticable, the supervisor shall notify the employee of the interim assignment or stewardship prior to the effective date of the action.
7. A change in work schedule or location shall require a minimum of two (2) weeks' notice.
8. Upon approval, the appropriate Vice President should provide the employee with a written notice confirming the action.
9. A letter to the employee outlining the interim assignment or stewardship should be attached to the Request for Personnel Action Form (RPAF). The letter outlining the assignment should explain the length of the assignment and that with the conclusion of the assignment, the employee will be returned to his/her original original classification at their original compensation.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Request for Personnel Action Form

	Personnel Policies and Procedures Manual	Employment: Section 3.13
		Adoption Date: 07-24-2020 Effective Date: 07-27-2020
Policy: Furlough		Applicability: All Employees
Reference(s):		

I. Policy

In the event of a financial emergency that includes a shortfall in revenue or funding or lack of work caused by a natural disaster, pandemic or severe unexpected conditions beyond the control of Diné College, it may become necessary to implement furloughs as one cost-saving measure. The use of the term “financial emergency” herein shall refer to such an event. Furloughs will be conducted in a manner that is fair and consistent with the mission of Diné College. The purpose of this policy is to establish the general plan and procedures for furloughs.

II. Conditions

1. The College may institute a full or partial closure of programs and services and furlough employees to preserve the financial well-being of the College. Upon the occurrence of a financial emergency, the College President is authorized to initiate furlough procedures.
2. In the event of a partial closure, the selection of employees to be furloughed shall be conducted in accordance with Navajo preference requirements. All non-Navajo employees shall first be furloughed before a Navajo employee is furloughed in that group of employees with the same job class.
3. Employees designated as essential employees to maintain the critical or essential functions and operations of the College shall continue to perform their job duties.
4. Implementation of a furlough for grant-funded employees will be initiated in accordance with provisions of the grant. However, such employees may be exempt if the furlough would jeopardize conditions of the grant.
5. Selection of employees to be furloughed shall be non-discriminatory. Race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation, gender identity, genetic information, military service, pregnancy or pregnancy-related condition, or marital, parental, or veteran status or membership in any other class protected by federal laws or Navajo laws shall not be considered in identifying an employee for a furlough or in implementing a furlough.

III. Procedures

The College will take into consideration the following factors and procedures in determining which employees or groups of employees will be placed on furlough.

1. Criteria for Selection:
 - A. Non-Essential Job Positions. Employees whose job positions are deemed non-essential during the time of a financial emergency will be eligible for furlough.
 - B. Unable to Perform Job Remotely. Employees who the College determines are not able to perform their core duties on a remote basis during the time of financial emergency will be considered for furlough.
 - C. Lack of Work. An employee who cannot perform at least 50% of their essential job duties or when the employee’s workload has diminished by at least 50%, as determined by the

College, such employee be considered for furlough. The College may combine the duties of two or more positions in an effort to minimize furloughs or enhance efficiency.

- D. Critical Programs and Services. The College will determine which programs and services are critical primary mission and goals of the College.
- E. Critical Program Employees. The College will determine which employees are necessary to perform duties that sustain the critical programs and services.

2. Vice President and Provost Consultations:

- A. Vice Presidents or Provost (depending of the division affected) shall consult with appropriate supervisors within their division to identify employees who are eligible for consideration for furlough. Each Vice President or Provost shall prepare a list of employees proposed for furlough within their division, specifying for each employee their job duties and justification for the recommended furlough.
- B. The Vice President or Provost shall consult with the Director of Human Resources to review the list of affected employees to ensure compliance with the established criteria, ensure non-discrimination and analyze the impact of each recommended furlough. The Vice President or Provost may seek additional information and confer with other Vice Presidents, supervisors or other appropriate administrators as needed.
- C. The recommendations by the Vice Presidents, as reviewed with the Director of Human Resources, shall be submitted to the College President for review and approval. Upon approval by the College President, the approved furloughs will be implemented.
- D. It is imperative that these lists and any discussions related thereto remain strictly confidential.

3. General Conditions and Reinstatement:

- A. No employee on furlough is permitted to work on Diné College matters during furlough days or furlough hours, nor is an employee permitted to work overtime hours during the week in which furlough days or furlough hours are taken.
- B. In the event a furlough is deemed necessary, the effective dates and the terms and conditions of the furlough will be communicated to employees as soon as possible.
- C. Once a furlough has ended, affected employees will usually be reinstated to the position held at the time of the furlough. However, a furlough does not prevent the College from realigning or reassigning its resources or from taking additional action to support its mission and goals. Furloughed employees in departments which are reorganized or restructured will be notified. Further, reinstatement cannot be guaranteed and reinstatement is not a guarantee that conditions of employment will remain unchanged. If a temporary appointment terminates during the period of the furlough, the employee has no reinstatement privileges.

4. Furloughs in accordance with this policy are not disciplinary actions.

A. Effect on Benefits During Furlough:

- i. An employee's mandatory retirement contribution, as well as the College's matching contribution, shall cease during the furlough
- ii. An employee shall not be permitted to use vacation or sick time during a furlough. A furlough will not affect an employee's continuous service, or length of service.

- iii. An employee will not earn sick leave and annual leave during the furlough and holiday pay will not be paid to an employee on furlough.
- iv. An employee's health and medical insurance will remain in effect during the furlough.
- v. Affected employees may choose to apply for unemployment compensation benefits to which they may be entitled depending on individual circumstances.


IV. Definitions

1. Furlough

Furlough is the placement of an employee in a temporary leave without pay status for a specified number of hours or days within a specified time frame. A furlough may consist of: (a) reduced number of work hours in a day with proportionate reduction in pay; (b) reduced number of workdays in a week with proportionate reduction in pay; or (c) specific days off without pay. A furlough is not a layoff or reduction in force.

V. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 3.14
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Reduction in Force		Applicability: All Employees
Reference(s):		

I. Policy

The College endeavors to provide stable and secure work environment. In circumstances, a reduction in force (“RIF”) may be necessary due to financial constraints, lack of work, reorganization, program and operational changes or technological advances, to assure the continued quality and efficiency of the College and the achievement of its mission. The College reserves the right to reassign its employees when such reassignment meets operational needs.

II. Conditions

1. The provisions of this policy may not be used to dismiss an employee for misconduct or lack of satisfactory performance.
2. Reduction-in-force decisions will be made pursuant to the NPEA, in the best interest of the College and without regard for the employee’s race, color, ethnicity, creed, religion, sex, age, marital status, national origin, disability, veteran status or any other status protected by College policy, except as required by the NPEA.
3. Pursuant to the NPEA, a qualified Navajo employee shall be retained in the event of a reduction in force affecting his/her class of positions until all non-Navajo employees in that class of positions are laid off.
4. A reduction in force may take the form of elimination of jobs (layoff) or a reduction in percent effort.

III. Procedures

1. **Designation of Department Subject to RIF.** The appropriate Vice President or Provost will designate within their division which departments or functions are subject to a reduction in force. The Administrator of the Department will determine the reductions in staff that will have the least detrimental effect on the College’s operations and shall specify the reduction of personnel within each job classification in the department or division in accordance with the Reduction Criteria set forth in Paragraph (2) below.
2. **Realignment for Operational Efficiency.** In the event of a reduction, the appropriate Vice President or Provost may elect to combine offices or divide large departments to meet operational needs. Such realigned departments will become the "administrative department" for the purposes of this policy as a budgetary unit within the College.
3. **Written Report.** The individual(s) making the determination for reduction shall prepare a written report that set forth the following:
 - A. The reasons supporting a reduction;
 - B. The function(s) to be altered/eliminated;
 - C. The essential functions and qualifications of the remaining position(s), if appropriate;
 - D. The selection criteria for positions selected for reduction; and

- E. The program or functions affected by the reduction and how such functions will be eliminated, combined or altered.

4. Reduction Selection Factors

The criteria factors to be used for selecting which position(s) and employee(s) will be reduced within a designated function shall include the following:

- A. Insufficient funds or lack of work for job position.
- B. Reorganization of the College through realignment or merger of units or functions for operational efficiency.
- C. Elimination of program and services due to loss of funding or resources, function is no longer critical or can be performed through alternative means or due a decline in student enrollment.
- D. Seniority based selection subject to Navajo Preference mandates

5. Application of Navajo Preference

- A. When a reduction in force is necessary in an administrative department among a class of employees that includes non-Navajo employees, all qualified Navajo employees and the most qualified non-Navajo employee(s) shall be retained. If all non-Navajo employees are equally qualified, seniority will determine which non-Navajo employee is retained. Non-Navajo employees will be eliminated, or their percent of time or compensation reduced, in the order of least seniority. For individuals with equivalent seniority, the length of service shall be reduced by any time periods over the prior 3 years for which that employee received a below-standard performance evaluation for purposes of seniority.
- B. Irrespective of the qualifications of any non-Navajo employee, any qualified Navajo employee shall be retained in the case of a reduction in force affecting that class of positions until all non-Navajos employed in that class of positions are laid-off.
- C. Among a class of employees who are solely Navajo and meet the necessary qualifications, the Navajo with the best qualifications shall be retained. If all employees in this class are equally qualified, seniority (as defined in Part IV (B)) will determine which employee is retained.

6. Notifications

Regular-status employees will receive written notification of the reduction from the immediate supervisor no later than 30 calendar days prior to the date of the actual reduction. The notice shall include a full explanation of the reason(s) and justification for the reduction including an explanation of the criteria used and applied for selection of the job position for reduction. In addition, the notice shall inform the employee of the appeal procedure if the individual has reason to believe the action being taken is not in accordance with this policy.

7. Employee Options

A regular status employee who has received a notification of reduction may elect one of the following options:

- A. Accept the reduced status as of the effective date.
- B. Submit a notice of resignation from employment to be effective no later than the reduction date.
- C. Request reassignment to another position that he/she has the necessary qualifications for, the Department of Human Resources and the appropriate Administrator for the position

will make the initial qualifications assessment. If unqualified, the employee will be notified of the decision.

D. Elect retirement if eligible. Retirement waives eligibility for appeal rights.

8. Appeal Procedure

If an employee who has been notified of a reduction, and has grievance rights, has reason to believe the action was not in accordance with this policy, he/she has ten (10) working days from the date of the reduction notification to appeal the decision under the Grievance Policy.

9. Benefits Eligibility

The following rules concerning benefits will apply to regular status employees who have been laid-off:

- A. Payment for all accrued annual leave and, if applicable, compensatory time will be made to non-exempt employees only.
- B. Sick leave balance at the time of layoff will be restored if the employee is rehired by the College within six (6) months to a regular position.
- C. Time spent in a layoff status will not count toward longevity, seniority or retirement.

10. Right to Reinstatement

If the eliminated position formerly filled by a laid-off individual or the position formerly filled by an individual who was the subject of a reduction-in-force is reestablished within a period of six (6) months from the date of reduction-in-force, the laid-off individual has the right to be reinstated within that position, barring circumstances occurring in the interim which otherwise would have resulted in termination from employment.

- A. Upon receiving approval of the reestablished position, the Department of Human Resources is responsible to notify the laid-off individual(s) who were subject to a reduction in force by certified mail.
- B. The individual shall notify the Department of Human Resources of his/her decision either to accept or not to accept reinstatement no later than five (5) working days after receipt of notification.
- C. If the individual indicates either verbally or in writing his/her decision not to accept reinstatement, the position may then be opened for other applicants.
- D. If the individual cannot be located and does not respond to the notice within ten (10) working days, the appropriate Administrator may consider other individuals for the position and the employee is considered to have forfeited his/her right to reinstatement.

11. Right to Consideration for Recall

The Department of Human Resources will maintain a list of the regular status employees who have been laid-off due to their positions having been eliminated. Regular status employees will be eligible for consideration for recall for a period of six (6) months from the date they were laid-off.

- A. Available positions will be announced to laid-off employees who qualify for such positions in the same classification from which they were laid-off. Laid-off employees may also be considered for vacancies in higher or lower job classifications if they qualify for a vacant position.

- B. The Department of Human Resources will notify the laid-off employee of a vacancy within his/her same classification either by telephone or by certified mail sent to the employee's last known address.
- C. The former employee shall respond in person or by certified mail indicating his/her interest in the vacancy no later than five (5) working days after receipt of the College's notification.
- D. The former employee shall report for interviews as set by the College unless other arrangements are made. The former employee is responsible for keeping the College informed of his/her current address.
- E. If the former employee cannot be located, does not respond to notice within ten (10) working days, declines two (2) interviews for positions at the previous classification level held or declines the first two (2) job offers, the former employee's name will be removed from the recall list and any remaining layoff benefits and recall rights will be forfeited.
- F. Recalled employees who qualify and are selected for positions will be paid at the rate budgeted for the position at that time.

NOTE: This policy provides only a right to consideration. It does not provide any preference in hiring, and shall be applied to the recruitment and hiring process even if there are individuals eligible for consideration for recall with respect to a vacant position.

IV. Definitions

1. Administrative Department


Is defined as a budgetary unit within the College.

2. Seniority

Is defined as the length of continuous service with the College since the most recent employment date.

V. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 3.15
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Separation of Employment		Applicability: All Employees
Reference(s):		

I. Policy

It is the College's policy to ensure that employee voluntary and involuntary separations, and those due to the death of an employee, are handled in a professional manner with minimal disruption to the workplace.

II. Procedures

There are four (4) types of separation of employment:

1. Voluntary

An employee informs his/her supervisor of the employee's resignation in writing. The resignation date must not fall on the day after a holiday. If an employee does not provide advance notice or fails to actually work the remaining days before the resignation date, the employee will not be eligible for rehire for at least two (2) years from the date of last employment and will not receive accrued benefits. The appropriate Administrator may waive the resignation notice. All voluntary terminations are non-grievable.

- A. Administrators and those with supervisory responsibilities – with thirty (30) workday's written notice.
- B. Staff and other non-supervisory responsibility employees – with ten (10) workday's written notice.
- C. Faculty are held to the terms and conditions outlined in their Faculty Contract.

2. Job Abandonment

An employee is considered to have abandon his/her job with the following conditions:

- A. When an employee fails to report to work or contact his/her immediate supervisor for three (3) consecutive workdays. The appropriate Administrator shall notify the Department of Human Resources at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and rehire.
- B. An employee fails to return to work upon the expiration of FMLOA or refuses an offer of reinstatement for which the employee is qualified upon the expiration of FMLOA, or if an employee fails to contact the Department of Human Resources every thirty (30) calendar days while on FMLOA.

3. Involuntary

- A. An involuntary separation of employment, including a reduction in force, is a management-initiated dismissal.
- B. Involuntary separation may be the result of violation of College policy. In some cases progressive discipline may be used, to correct a performance problem. However, certain types of employee misconduct are so severe that one incident of misconduct will result in immediate dismissal without prior use of progressive discipline.

4. Death

A termination due to the death of an employee will be effective as of the date of death.


An employee who resigns (must comply with notification requirements) or is involuntarily discharged will be paid through the last day of work, plus any unused annual leave, less outstanding loans, advances or other obligations the employee may have with the College. Final pay upon the death of an employee will be paid to the deceased employee's estate.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Code of Conduct		Applicability: All Employees
Reference(s):		

I. Policy

All employees of the College are viewed as leaders. The role of a leader is to show commitment to our students, colleagues, and community that Diné College upholds high ethical principles. The Code of Conduct identifies acceptable and unacceptable behaviors of all employees including; administrators, faculty, staff, and student employees, whether full or part-time, temporary or permanent, contractors, or consultants. The Code of Conduct is intended to help individuals understand that their work performance reflects on the College's mission, values, philosophy, reputation, and image.

1. The purpose of this policy is to promote honest and ethical conduct and deter wrongdoing while complying with College policies and procedures, governmental laws, rules, and regulations. An employee's daily interactions on behalf of the College must show high standards of professionalism while conducting business, providing education, and support services.
2. Diné College expects all employees, including student workers, contractors hired by the College, and Diné College Board of Regents to comply at all times with the principles in this code. A violation of this code may be grounds for disciplinary action up to including termination. When in doubt an individual must seek direction from colleagues, supervisors, or administrators who can assist in determining the right and appropriate course of conduct to include the College's Personnel Policies and Procedures Manual.

II. Procedures

Each individual is required to sign a document confirming they have read and will act with the Code of Conduct in mind as a part of their daily work for the College. The document will be kept on file with the Department of Human Resources. College employees shall maintain the highest standards of business ethics as they conduct business on behalf of the College.


1. College employees shall perform their duties in a manner that would not give rise to the appearance or perceived appearance of a conflict of interest.
2. College employees who are in a position to exercise authority over a student shall not engage in any dating or have any romantic or sexual relationship with such students.
3. It is the policy of Diné College that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the College, is in violation of College policy, is unsatisfactory or is offensive will not be tolerated. Employees are expected at all times to conduct themselves in a positive manner to promote the best interests of the College.
4. Any employee who knows of any act prohibited by law or by College policy or the Code of Conduct shall report it promptly to the appropriate administrator. In the case of any financial impropriety, the employee shall report circumstances to the Vice President of Finance & Administration.
5. No employee shall threaten, coerce, manipulate, or mislead an auditor engaged in the performance of an audit.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Acknowledge Receipt of Code of Conduct Policy Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Emergency Notification		Applicability: All Employees
Reference(s):		

I. Policy

The College is responsible to keep campus constituents informed of emergency alerts and notifications to ensure the safety and enforcement of timely warnings. In the event of a serious incident that poses an immediate threat or danger to members of the College, Campus Security will utilize all available resources to issue out timely communication.

Mass digital communication should be carried out in an event of emergency response or urgent need-to-know information to be shared with students, staff, faculty and/or the community.

II. Procedures

Appropriate College officers who have been authorized by the institution's Executive Leadership, outlined in the procedures in Communication to Activate, will be responsible for determining whether notifications are warranted to be sent out through mass digital communication. Multiple channels will be considered for timely notification and broadcast within a twenty-four (24) hour window. There is no guarantee that individuals will read their emails or messages in a timely manner, therefore, various methods of mass digital communications will need to be considered.

Mass digital text messages and alerts will be sent only to individuals who have active accounts under the College's email system and/or texting service.

Emergencies should be reported at once to Campus Security. In the event of fire, bomb alert, storm, medical, or other emergency, follow the procedures specific to each Campus and Center posted in classrooms and offices.

1. The College will follow the Communication structure below on the protocol for sending out mass digital notifications.
 - A. Event Occurs: an event or situation occurs on campus that deems campus safety threat.
 - B. Authority to Activate Mass Alert:
 - i. Campus Security Supervisor(s)
 - ii. Operations & Maintenance (O&M) Manager
 - iii. College President
 - iv. Information Technology Department designee
2. Mass Alert Sent Out: Authorized Campus Security Dispatchers/Security Supervisors will send out mass digital notification (Email, Phone, and Text Messaging).
 - A. If authorized individuals mentioned above are not available for sending out urgent mass notifications, the responsibility will be turned over to the Information Technology Department to issue out a mass digital notification.
 - B. Prior to being sent, the mass text message issued through the College's AlertMedia service will need to be reviewed and approved by the parties authorized to approve the notification – Campus Security Supervisors, O&M Supervisors, and/or the President.

3. College officials must ensure the message is:
 - A. Valid and applicable to the situation, and to the party receiving the notification.
 - B. The wording is appropriate.
 - C. Distribution list is accurate
 - D. All mass notifications will need to be followed with a closing message to ensure that any urgent threat has been concluded.
4. Laws and Regulation

It will be the responsibility of the mass digital communication parties to adhere to the U.S. Federal Communication Commission (FCC) laws and regulations. Misuse and abuse of direct access/management of the communication tool will be subject to the College's Personnel Policy Manual Table of Consequences (i.e. suspension or termination).


FCC can panelize the College and withdraw FCC license should the institution or its personnel violate FCC laws and regulations.
5. Inappropriate broadcasting of topics includes, but are not limited to:
 - A. Any message with content that is not relevant to the College's mission of teaching, research, or the public services
 - B. the announcement of non-emergency events (i.e. clubs, commercial or campus events)
 - C. any solicitations
 - D. personal messages
6. User's emails and phone numbers are collected through various services and are intended to be used primarily for the College's purpose of emergency notification. Users who have access to such sensitive must comply with FERPA regulations on protecting private information.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. AlertMedia Software

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.03
		Adoption Date: 05-08-2020 Effective Date: 05-08-2020
	Policy: Employee Self-Reporting & Disclosure	Applicability: All Employees
Reference(s):		

I. Policy

During a public health emergency involving a widespread occurrence of an infectious disease that easily spreads person to person and poses a direct threat of serious illness or death, the College must require certain disclosures to prevent the spread of such disease. Pursuant to Section 1.14, the College President has authority to declare an emergency under these conditions. During such an emergency, all employees are required to self-report infection or exposure to others who may be infected with the infectious disease. This self-reporting policy is intended for the safety of the employees and campus community and minimize the spread of the infectious virus.

The College shall seek current guidance from national and local health authorities concerning the specific infectious virus for additional self-disclosure measures to ensure the safety of its employees.

All employee self-disclosure reports during the public health emergency shall be kept confidential to the extent required by applicable law, including compliance with the Health Insurance Portability and Accountability Act (HIPAA), and shall be maintained as part of the employee's medical file, separate from the employee's personnel file.

II. Procedures

During a public emergency for an infectious virus, all employees must notify the College Department of Human Resources of having been exposed to or tested positive for an infectious virus before entering the campus or while working from home.

1. Employees receiving a positive test or knows he/she was exposed to an infected person shall within twenty-four (24) hours notify the Department of Human Resources.
2. Employees who have tested positive for an infectious virus shall provide a list of individuals with whom the employee came in contact in the last fourteen (14) days in connection with their employment.
3. The College will disclose to other employees that a co-worker has tested positive for an infectious virus without disclosing any identities. With consent of the employee, the College may disclose the identity of the employee testing positive.
4. Consistent with applicable laws, the College will notify specific co-workers, students, or vendors that a person with whom they were in recent contact with has tested positive and to take appropriate cautionary measures.
5. Employees who call in sick may be asked if they are experiencing an infectious virus-related symptom.
6. Employees testing positive or having been exposed to an infected person will not be allowed back to work until medically cleared.
7. The College may issue a survey letter to all employees asking if they have tested positive for an infectious virus or have been exposed to an individual infected with the virus.

8. After any stay-at-home orders have been lifted, allowing employees to return to work, employees may be required to wear personal protective gear or may be required to take a diagnostic test before entering the workplace. The College will seek and consult guidance from the national and local levels of government regarding such matters.
9. The College may issue a memorandum concerning a specific infectious virus containing the application of emergency orders and additional safety or reporting measures, in consultation with appropriate emergency and health authorities.
10. In response to the COVID-19 virus pandemic, governmental agencies have made available vaccine shots to prevent the spread of the virus and to prevent infection and serious illness. The virus pandemic has created a significant risk of exposure of the virus and infection among our employees. As such, the College has determined the virus to be a significant threat to the health of our employees. Accordingly, the College has determined that failure to be vaccinated constitutes a direct threat to other employees and the public.

To address this direct threat, the College has adopted the COVID-19 virus vaccination as a condition of employment to conduct work activities on College premises. An objection to the virus vaccination based on medical reasons or religious belief will be considered on a case-by-case basis, and reasonable accommodation may be provided. The College will issue a health memorandum by which the College employees will be notified of the time period by which they must be vaccinated and will be provided information as to how to obtain the vaccine inoculation. An employee's failure to obtain such vaccination will also be considered on a case-by-case basis.


III. Definitions

1. Infectious Disease

For purposes of this Policy, the infectious disease described in this Policy is referred to as an infectious virus.

IV. Form(s) and/or Equipment

1. Request for Reasonable Accommodation Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.04
		Adoption Date: 07-31-2019
	Effective Date: 09-02-2019	
Policy: Employee Self-Disclosure		Applicability: All Employees
Reference(s):		

I. Policy

All current employees are required to self-disclose post-employment criminal convictions and/or arrests, felony charges, and driver's license suspension or revocation.

II. Procedures

Employees must notify the Department of Human Resources within three (3) working days of the criminal conviction(s) and/or arrests, felony charges, and driver's license suspension or revocation.


1. Employees failing to self-disclose may be subject to disciplinary action, up to and including termination.
2. Administrators notified of a post-employment conviction or felony charge have an obligation to report the information to the Department of Human Resources.
3. Administrators failing to report the information may be subject to disciplinary action, up to and including termination.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no form(s) and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Dress Code		Applicability: All Employees
Reference(s):		

I. Policy

The College considers it very important that employees are well groomed, neat, and dressed appropriately for job function and responsibility. The College trusts each employee's common sense and good judgment in this matter. The College has adopted a casual business dress code but emphasizes that some positions may call for appropriate traditional or professional attire.

Administrators may determine and enforce guidelines for work-place appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

In keeping with this approach, Diné College allows reasonable self-expression through personal appearance, unless:

1. It conflicts with an employee's ability to perform his or her position effectively or with his or her specific work environment, or
2. It is regarded as offensive or harassing toward co-workers or others with whom Diné College conducts business and has contact with employees.

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor.

II. Procedures

While conducting or attending meetings, seminars, roundtables, etc. where contact with other business professionals may occur, appropriate professional attire and manners are recommended for conducting such business. Appropriate dress and hygiene are important in promoting a positive College image for its students and the general public, both internally and externally.


1. Administrators are responsible for ensuring that their department's personnel are in compliance with this policy and should communicate any department-specific workplace attire and grooming guidelines to employees during new-hire orientation and evaluation periods.
2. If an employee comes to work in inappropriate dress, he or she will be required to go home, change into conforming attire or properly groom, and return to work.
3. If an employee's poor hygiene or use of too much perfume/cologne is an issue, the Administrator should discuss the problem with the employee in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.
4. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.
5. All employees must carry or wear the Diné College identification badge at all times while at work.
6. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no form(s) and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Children and Family in the Workplace		Applicability: All Employees
Reference(s):		

I. Policy

The College values its employees and students and recognizes the importance that families fulfill in the lives of employees and students. This policy addresses and outlines the circumstances under which it is appropriate to bring non-student, minor children or other family to the workplace or classroom.

II. Procedures

In general, the workplace and the classroom are typically not appropriate places for non-student, minor children or other family to be present on a frequent or continuing basis. The procedures below are intended to foster respect for the needs of all parties impacted by the presence of non-student, minor children or other family on the campus, in the workplace, or in the classroom.

1. Exceptions to this general rule include:

- A. Minors or family members who are enrolled as students at the College.
- B. Officially sponsored institutional programmatic activities for non-students and minor children with appropriate adult supervision.
- C. Workplace assignments in which one of the conditions of the employment is residency in a campus facility, e.g., live-in resident hall director.
- D. Brief visits, e.g., an employee brings his/her child, grandchild, other minor relative or family member in to introduce that him/her to co-workers, provided the employee supervises the child(ren) or family member at all times during the visit.
- E. Special occasions that are employer-sanctioned and at which attendance by children or other family member(s) is encouraged. Special occasions should be coordinated with and approved by the employee's supervisor after considering and satisfactorily addressing the factors set forth in Part 2 below. The employee's schedule for the special occasion should take the child's or other family member's presence into consideration.
- F. Visits coordinated with and approved by the employee's supervisor after considering and satisfactorily addressing the factors set forth in paragraph C below. Children may be brought to the workplace by parent employees for brief visits or other exceptional times when common sense would dictate that it is more efficient for the employee to bring the child into an workplace (e.g., following or before a physician's appointment). The parent employee must supervise the child(ren) on such visits and ensure that the child(ren) is not disruptive to the parent employee or other employees in the workplace. It is not appropriate for non-student, minor children of any age to be in the workplace on a regular basis, including after school each school day or on regularly scheduled school holidays.
- G. In the event of an emergency, and if there are no other alternatives, parent employees may have children present in the workplace for brief periods of time provided that the parent obtains the immediate supervisor's prior approval. Such arrangements are only to be temporary in nature and may be granted only in circumstances where the employee and

supervisor have considered and satisfactorily addressed the factors set forth below. When authorized, the parent employee must supervise the child(ren) at all times and should not leave such child(ren) in the custody of another College employee or student, even for brief periods of time.

2. The exceptional circumstances under which children may be brought into a particular workplace or classroom setting should be established in a discussion between the employee and supervisor taking into account the following factors:
 - A. Whether the parent is willing to accept full responsibility for the child's safety and for any damage to property or injury to persons that is caused by the child's presence.
 - B. When considering the presence of children on campus, the extent to which the child's presence in the workplace creates a potential danger to the child or exposes the department and the College to liability must be considered. Safety is a primary concern for parents, supervisors and the College.
 - C. The extent to which the child's presence in the workplace or the classroom poses a risk of breach of confidentiality with respect to information in the workplace.
 - D. The extent to which the child's presence in the workplace or in the classroom disrupts or has the potential to disrupt the work or classroom environment and/or creates an atmosphere that is not conducive to achievement of the specific goals and objectives of the workplace or classroom.
 - E. Whether the parent agrees to assume responsibility for the child at all times and to ensure that the child's presence does not disrupt his/her work or interfere with the workplace or classroom activities.
 - F. Whether the parent agrees to supervise the child at all times and agrees that he/she will not leave the child with another employee.
 - G. Such other factors as the supervisor or instructor deems appropriate.
3. The above-exceptions are not applicable to, and non-student, minor children are not permitted as visitors in, work or classroom areas where safety and/or confidentiality factors exist unless prior permission from appropriate College authority is obtained. Short-term visits may be authorized for approved guided tours or other reasons if:
 - A. Permission from the appropriate authority is obtained.
 - B. Appropriate precautionary measures are taken and hazards have been considered or removed during the visit.
 - C. Direct adult supervision of children is required at all times in hazardous areas.
 - D. Department heads may require additional safety measures prior to such visits and may require written parental consent authorizing the site visit.
4. Examples of such high-risk safety areas generally include, but are not limited to:
 - A. Shops, mechanical rooms, confined spaces, food preparation areas;
 - B. Any areas, indoors or out, containing power tools or machinery with exposed moving parts or rotating equipment;
 - C. Areas with excessive noise, temperatures, inadequate ventilation or pollutants;
 - D. College vehicles, heavy duty or other motorized equipment;

- E. Any other high-risk areas (stairwells, elevators, doorways, rooftops, construction zones, etc.);
- F. Laboratories or specialized work areas that include chemicals, biological hazards, radioactive hazards, flammables, explosives, compressed gasses, sharp objects, lasers, research animals, hazardous wastes or other environmental hazards.

III. Definitions

1. Non-student, minor child

A minor child who is not enrolled in classes at the College.

2. Family


Individuals who are related to the employee by blood or adoption.

3. Parent

Any employee or student who has responsibility for a non-student, minor child while in the workplace or classroom regardless of the employee's or student's relationship to the child.

IV. Form(s) and/or Equipment

There are no form(s) and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Health and Safety		Applicability: All Employees
Reference(s):		

I. Policy

It is a shared responsibility of the employee and the College to ensure orderly operations and provide the best possible work environment. The College expects employees to follow rules of conduct that will protect the interests and safety of all employees and the College.

II. Procedures


1. It is the responsibility of each employee to conduct all tasks in a safe and efficient manner, and in compliance with all applicable Navajo, state and federal safety and health regulations and programmatic standards.
2. Safety regulations must be adhered to throughout each department within the College. It is the responsibility of each employee to identify and familiarize himself or herself with the Emergency Plan for his/her department.
3. Any job-related injury or illness, regardless of severity, must be reported immediately to your supervisor or safety officer for prompt and trained evaluation and medical attention. The supervisor will complete the safety incident report and forward it to the Department of Human Resources.
4. Each facility shall post an emergency plan detailing procedures in dealing with emergencies that include fire, weather, and medical emergency.
5. It is the responsibility of the employee to complete an Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses.
6. Failure to report such an infraction may result in disciplinary action, including termination.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Workplace Conduct & Expectation: Section 4.08
			Adoption Date: 07-31-2019
			Effective Date: 09-02-2019
Policy: Attendance and Punctuality			Applicability: All Employees
Reference(s):			

I. Policy

Attendance and punctuality are very important elements of employee job performance. Absenteeism places a burden on other employees who have to perform the absent employee's job responsibility. Absenteeism can cause scheduling problems for the department and can adversely affect the College's ability to serve our students and to fulfill the College's Mission. For these reasons, excessive absenteeism will not be tolerated.

II. Procedures

Occasionally, it is necessary to be absent or late for work due to illness or circumstances beyond the employee's control.


1. When there is an unscheduled absence from work or tardiness, it is the responsibility of the employee to call his/her supervisor within one hour of the start time.
2. If the supervisor is not available, it is the responsibility of the employee to leave a voicemail message with a phone number where the supervisor can return the employee's call.
3. It is the employee's responsibility to speak to his/her supervisor personally. It is important to keep the supervisor informed when the employee expects to return to work.
4. In the event the employee does not call his/her supervisor and misses work the supervisor needs to take appropriate action to contact employee.
5. If three (3) consecutive days pass for employee not reporting to work, the College will consider the employee have voluntarily resigned. Employees will not be paid for any unexcused/unauthorized absences.
6. In the event an employee is absent due to a medical emergency, the supervisor needs to be contacted within twenty-four (24) hours. If the employee is not able to contact his/her supervisor, an immediate family member can contact the supervisor, however the immediate family member's notification does not mean it will be an excused absence. Upon returning to work the employee must provide the supervisor with a physician's statement within three (3) business days.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.09
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Confidentiality		Applicability: All Employees
Reference(s):		

I. Policy

The College's students and other parties with whom it does business entrust the College with important information relating to their businesses. It is College policy that all information considered confidential will not be disclosed to external parties or to other employees unless written consent is authorized by the party to whom that confidential information pertains. This policy governs all information acquired during the course of employment or service to the College that is not otherwise subject to public disclosure under federal or tribal law.

II. Procedures

All employees, full and part-time faculty, staff, student workers, and affiliates (paid or unpaid) have a duty to protect all confidential information acquired during the course of employment or service to the College.

1. The Department of Human Resources is responsible for the continual development and maintenance of procedures to implement this policy. College departments shall develop and implement confidentiality procedures tailored and detailed for their specific areas so long as those procedures comply with the College's Confidentiality policy.
2. Confidential Information includes, but is not limited to: any personally-identifiable student and parent records, financial records (including social security and credit card numbers), health records; contracts, research data; alumni and donor records; personnel records other than an individual's own personnel record; College financial data; computer passwords, College proprietary information/data; and any other information for which access, use, or disclosure is not authorized by federal, tribal law and/or College policy operations.
3. Each employee, consultant, student, or person granted access to data and information holds a position of trust and must preserve the security and confidentiality of the information he/she uses. Users of College data and information are required to abide by all applicable Federal and Tribal guidelines and College policies regarding confidentiality of data. All users of College data and information must read and understand Information Technology Department's policies and understand how these policies apply to their respective job functions.
4. Any employee or person with authorized access to the College's computer resources, information system, records or files shall use the data or files solely for College business.
5. The following principles shall govern confidentiality at the College:
 - A. Documents and files (both electronic and hard copy) containing confidential information are to be accessed, used, and disclosed only with explicit authorization from the Department of Human Resources and only on a need-to-know basis for either an employee's job function or an affiliate's service.
 - B. College resources must not be used to obtain, store or transmit confidential information regarding any individual or entity without the College's authorization.


- C. Confidential information regarding any individual or entity acquired during the course of employment at, or providing services to, the College must never be divulged to anyone outside of the College without authorization or to anyone within the College without the need-to-know.
 - D. Based on record retention requirements, documents and files containing confidential information must be disposed of in a way that ensures that the information is no longer recognizable or retrievable.
 - E. All employees, student workers, and affiliates have a duty to use available physical, technological, and administrative safeguards, in accordance with College policies and procedures, to protect the security of all confidential information regardless of form or medium.
 - F. Upon conclusion of an employee's employment or a student worker's or affiliate's service, or upon request of a supervisor: Employees, student workers, and affiliates will return originals and copies of documents and files (whether electronic or hardcopy) containing confidential information to the College and relinquish all further access to and use of such information.
 - G. All College employees must sign a Confidentiality Agreement as a condition of employment. An individual department may require its employees and affiliates to sign a department-specific confidentiality agreement as a condition of working for or providing services to that department.
6. Violation of this policy:
- A. A College employee or student worker will result in disciplinary action up to and including termination of employment. Student workers may also face disciplinary action under the Student Code of Conduct.
 - B. An affiliate will have access to confidential information terminated and the working arrangement and/or contractual agreement will also be terminated immediately.
 - C. A College employee or affiliate may be subject to criminal or civil prosecution under federal or tribal laws.
 - D. If there is a question whether certain information is considered confidential, the employee should first check with his/her immediate supervisor.
7. This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. All inquiries from the media must be referred to the Marketing and Communications Department.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

- 1. Confidentiality Agreement Form

	Personnel Policies and Procedures Manual		Workplace Conduct & Expectation: Section 4.10
			Adoption Date: 07-31-2019
			Effective Date: 09-02-2019
Policy: Conflict of Interest		Applicability: All Employees	
Reference(s):			

I. Policy

The College's Conflict of Interest policy and its related guidelines apply to all employees of the College. The College recognizes that employees of the College perform different functions on its behalf. A particular outside interest, activity, or relationship that is a conflict for one member may not be a conflict for another member due to their different areas or levels of influence on College business.

Therefore, while every employee of the College community is subject to the general policy, different employees of the College community are subject to different procedures and/or disclosure requirements. In addition, certain administrative positions and/or units may be subject to additional guidelines, procedures, and/or disclosure requirements, consistent with the general policy.

However, the College expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the best interest of the College.

II. Procedures

Each employee of the College has an obligation to address both the substance and the appearance of conflicts of interest and commitment and, if they arise, to disclose them to his/her supervisor and withdraw from debate, voting, or other decision-making process where a conflict of interest exists or might arise.

1. Conflicts of Interest

A conflict of interest may take many forms but arises when an employee of the College might be able to use the authority of his/her position: a) to influence the College's business decisions in ways to give improper advantage or financial benefit to oneself, an immediate family member; or b) to obtain for oneself, a family member, or an associate a financial benefit beyond the compensation he/she is authorized to receive for performing his/her responsibilities.

2. Business decisions

Employees of the College must not make or influence business decisions, including executing purchasing agreements or other types of contracts, from which they, a family member, or an associate may personally benefit. Employees of the College who stand to gain from a particular contract must identify the situation to their supervisors.

3. Use of College resources and name

The use of College resources (e.g., telephones, fax and duplicating machines, campus mail, computing equipment and time, staff, office and classroom space, supplies, vehicles, postage, etc.) which results in personal and/or financial gain to an employee, a family member, or an associate represents a conflict.

- A. As an example, employees are prohibited from using College resources for anything other than College business. Accordingly, the use of the College's name and seal by employees other than in the context of their responsibilities at the College is prohibited.

4. Gifts and gratuities

Employees of the College are prohibited from soliciting personal gifts and favors from a vendor, contractor, donor, student, parent, or subordinate. Accepting gifts is also prohibited in most circumstances. Gifts valued in excess of \$200 or of undetermined value, if not applied for a College purpose or shared widely, should be returned immediately. Gifts of promotional items without significant value and that are routinely distributed by vendors to clients may be accepted. Ordinary business courtesies, such as payment for a modest lunch or dinner or courtesy copies of professional printed matter, are also acceptable. Gratuities or gifts of money, whatever the amount, may not be accepted at any time.

5. Significant financial interests

Employees of the College must disclose their significant financial interests in any entity that they know to have business, directly or indirectly, with the College. There are two types of significant financial interest:

- A. Receipt of anything of monetary value from a single source exceeding \$5,000 annually. Examples include salary, royalties, gifts, and payments for services including consulting fees and honoraria. Excluded are inheritances, and income from debt obligations of the US, tribal, state, or local governments, certificates of deposit, blind trusts, and broadly diversified mutual funds and brokerage accounts managed by third parties.
- B. Ownership of an equity interest exceeding the lesser of 5% or \$100,000 in any single entity, excluding US, tribal, state, or local government debt obligations, certificates of deposit, blind trusts, and broadly diversified mutual funds and brokerage accounts managed by third parties.

6. Perceived conflicts of interest:

In addition to refraining from prohibited activities, employees of the College must disclose any activity, relationship, or interest that is, or may be perceived to be, a conflict of interest so that these activities, relationships, and interests can be managed properly.

A. Conflicts of Commitment

A conflict of commitment occurs when a commitment to activities outside of one's College responsibilities interferes with an employee's capacity to meet his/her College responsibilities.

It is recognized that some outside service and professional responsibilities of employees can and do benefit the College. In the case of administrative officers and members of the staff, the time allowed for service to other organizations depends on the person's job responsibilities and his/her supervisor's expectations for that employee's level of involvement with professional and community organizations.

Employees of the College must disclose any outside activity that is, or may be perceived to be, a conflict of commitment so that these activities can be managed properly.

B. Employee Responsibilities

It shall be the responsibility of all employees of the College to read the College's Conflict of Interest policy and its related guidelines and to disclose potential or actual conflicts as they arise to their supervisor.

College Administrators are responsible for promoting the understanding of and compliance with the College's Conflict of Interest policy. Employees are obligated to resolve any conflicts of interest or commitment through disclosure and cooperation with College

officers charged with administering this policy. Failure to do so will be deemed a failure to meet one's obligations for which sanctions, up to and including dismissal, may be imposed.


7. Although it is not possible to specify every action that might create a conflict of interest, this policy speaks to the ones which most frequently present problems. If an employee has any question whether an action or proposed course of conduct would create a conflict of interest, he/she should immediately contact the Department of Human Resources to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Conflict of Interest Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.11
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Nepotism		Applicability: All Employees
Reference(s):		

I. Policy

No employee of the College may participate in decisions involving a direct benefit (e.g., initial employment, salary, work assignments, performance evaluations, etc.) to family members, immediate relatives, domestic partners, or employees in committed relationships.

II. Procedures

1. Family members of the Governing Board shall not be hired by the College. Work-study student employees are excluded from this prohibition.
2. The hiring, promoting, transferring, demoting or reassigning of employees is prohibited if the result is the creation of a supervisor/subordinate relationship between family members, an actual conflict of interest, or the appearance of a conflict of interest exists.

III. Definitions

1. Family Member/Immediate Relative

Any individual with any of the following relationships to the employee:

- A. Spouse, and parents thereof;
- B. Sons and daughters, and spouses thereof;
- C. Parents, and spouses thereof;
- D. Brothers and sisters, and spouses thereof;
- E. Grandparents and grandchildren, and spouses thereof;
- F. Domestic partner and parents thereof, including domestic partners of any individual in A through E of this definition; and
- G. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

2. Parent

- A. A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;
- B. A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian;
- C. A person who stands in loco parentis to the employee or stood in loco parentis to the employee when the employee was a minor or required someone to stand in loco parentis; or
- D. A parent (as described in the above subparagraphs) of an employee's spouse or domestic partner.

3. Son or Daughter

- A. A biological, adopted, step, or foster son or daughter of the employee;
- B. A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
- C. A person for whom the employee stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis; or
- D. A son or daughter (as described in A – C) of an employee's spouse or domestic partner

4. Domestic Partner


An adult in a committed relationship with another adult, including both same sex and opposite-sex relationships.

5. Committed Relationship

A relationship in which the employee, and the domestic partner of the employee, are each other's sole domestic partner (and are not married to or domestic partners with anyone else); and share responsibility for a significant measure of each other's common welfare and financial obligations. This includes, but is not limited to, any relationship between two individuals of the same or opposite sex that is granted legal recognition by a State or by the District of Columbia as a marriage or analogous relationship (including, but not limited to, a civil union).

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Workplace Conduct & Expectation: Section 4.12
			Adoption Date: 07-31-2019
			Effective Date: 09-02-2019
Policy: Employee – Student Fraternization		Applicability: All Employees	
Reference(s):			

I. Policy

The College is dedicated to preparing students for lives of significant public and private responsibility. Its success depends in large measure on trust in the integrity of employees. Thus, the College strongly believes that an environment where employees maintain clear boundaries between personal and business interactions is most effective for conducting business.

The College is also committed to avoiding situations which may generate complaints of favoritism and sexual harassment, therefore, all employees are strongly encouraged to refrain from becoming romantically involved with any student.

II. Procedures

1. In the event a romantic relationship develops with a student, the employee must report the relationship to the Director of Human Resources within ten (10) working days, in order to allow the College to take appropriate action (including, by way of example but not limitation, a possible reassignment of the employee involved).
2. An Employee shall report immediately to his or her supervisor any past or preexisting consensual relationships with a Student for whom the employee is in a position to exercise authority.
 - A. Examples include, but are not limited to, a Student research assistant, a Student in a current class, a Student intern, or a Student advisee.
3. Employees who teach, coach, evaluate, allocate financial aid to or guide students over whom they have professional responsibility or authority shall not engage in any dating, romantic or sexual relationships with students.
4. Employees who fail to report such a relationship may face disciplinary action, up to and including termination. Employees who have questions about this policy may contact the Director of Human Resources.
5. Any employee who believes they have been disadvantaged as a result of this policy or who believes this policy is not being adhered to should document his/her concerns to the Director of Human Resources or other designated individual.

III. Definitions

1. Professional Responsibility or Authority
 Shall mean and refer to evaluating, providing oversight, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a student or subordinate employee.
2. Consensual Relationship
 Shall mean and refer to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes marriage.

3. Student


Shall mean and refer to any person applying to the College or currently enrolled, either full-time or part-time, in any course or academic program associated with Diné College.

4. Employee

Shall mean and refer to any person currently employed by Diné College, either full-time or part-time, in any location and in any capacity. "Employee" shall include, but is not limited to, administrators, faculty, administrative professionals, graduate assistants, student hourly employees, non-student hourly employees, non-paid staff, and student work-study employees.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.13
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Consensual Relationships		Applicability: All Employees
Reference(s):		

I. Policy

The College strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prohibit the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or Administrator roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

II. Procedures

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
2. During nonworking time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on College premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the College's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
6. Any Supervisor, Manager, or Administrator in a sensitive or influential position with the College must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure will be made to the individual's immediate supervisor and the Department of Human Resources. The Department of Human Resources will review the circumstances to determine whether any conflict of interest exists.
7. When a conflict-of-interest or potential risk is identified due to an employee's relationship with a co-worker, the College will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance evaluations, compensation decisions and financial

transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as reassignment of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.


8. Failure to cooperate with the College to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.
9. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
10. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy.
11. Any concerns about the administration of this policy should be addressed to the Department of Human Resources.
12. Disclosure under this policy for retaliatory or coercive purposes is strictly prohibited. Employees who fail to report such a relationship may face disciplinary action, up to and including termination.
13. An employee shall report immediately any past or present consensual relationships with a subordinate Employee over whom the supervising employee exercises authority. An employee who is the subordinate employee in a consensual relationship is also encouraged to report that relationship to the Supervisor of the individual with whom he or she is involved.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Consensual Relationship Agreement Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.14
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Smoke and Vape-Free Workplace		Applicability: All Employees
Reference(s):		

I. Policy

Diné College is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As such, the following policy has been adopted and applies to all employees of Diné College.

It is College policy to prohibit smoking and vaping on all College premises except for designated areas to provide a safe and healthy work environment for all employees.

II. Procedures

Employees who violate this policy will be subject to disciplinary action up to and including termination. No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

This policy applies to:

1. All areas of buildings occupied by College employees.
2. All College-sponsored offsite conferences and meetings.
3. All vehicles owned or leased by the College.
4. All College employees.
5. All visitors (customers and vendors) to College premises.
6. All contractors and consultants and/or their employees working on College premises.
7. All temporary employees.
8. All student interns.

III. Definitions

1. Smoking


Is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

2. Vaping

Refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.15
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Alcohol and Drug Free Workplace		Applicability: All Employees
Reference(s):		

I. Policy

The College is committed to protecting the safety, health, and well-being of its students, employees and contractors, customers, and its property. Recognizing that drug and alcohol abuse pose a direct and significant threat to these goals, as well as to productivity, the College is committed to providing a drug-free working environment for its students, employees, contractors, customers, and all those who come onto College property or utilize College services.

The use of illegal drugs is inconsistent with the law-abiding behavior expected of all citizens. Employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism, resulting in the potential for increased cost, delay, and risk. The abuse of illicit drugs and alcohol, on or off duty, can impair an employee's judgment and ability to perform tasks safely. The lingering effects of drug abuse may adversely affect performance long after the employee has used the drug, and can also result in accidents on duty and lapses in judgment that can pose a serious threat to health and safety.

II. Procedures

Diné College hereby prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by employees on the property or as part of the activities of the College.

1. Disciplinary Sanctions

Employees who violate the foregoing standards of conduct shall be subjected to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, and suspension from employment with or without pay, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, and termination. Disciplinary sanctions shall be consistent with Tribal laws and College policies. In addition to any disciplinary sanctions, violations may be reported to law enforcement authorities for criminal prosecution. Implementation – As a matter of College policy, the College shall implement drug and alcohol abuse prevention programs which, at a minimum, meet the same requirements referenced in the Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1145(g), and shall review its programs biennially to determine their effectiveness, implement changes if needed, and ensure that the sanctions authorized by this policy are consistently enforced.

2. Alcohol and Drug Free Workplace Statement

The use or abuse of alcohol or illicit substances off the job which impairs to any extent performance on the job is prohibited. Employees are prohibited from reporting to work with alcohol in their system and from bringing any alcoholic beverage to the job site. A confirmed positive test showing the presence of 0.04 percent or more alcohol in the employee's system is a violation of this policy.

Furthermore, the use or abuse of alcohol or the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace or a College-owned vehicle by employees is prohibited. As a term of his/her employment, every employee shall:

- A. Abide by the terms of this Policy Statement; and
- B. Notify the appropriate personnel officer of any alcohol or criminal drug conviction for a violation occurring in the workplace or a College-owned vehicle no later than five (5) workdays after such conviction. Any employee who violates the provisions of this Policy Statement shall be subject to appropriate disciplinary action, which may include termination from employment.

3. Employee Awareness and Assistance

As part of the College's efforts to encourage employees to become or remain drug-free, information and training will be provided on an ongoing basis, as the College deems appropriate, regarding the effects of drug and alcohol abuse. Materials on drug and alcohol use will be made available to both employees and supervisors.

- A. The College encourages employees who believe they have a problem with alcohol or drugs, legal or illegal, to seek assistance. Employees may contact their supervisor for assistance and referrals to outside professional counselors and programs for diagnosis and therapy. Moreover, employees may be eligible for a leave of absence to participate in such a program. Every request for assistance will be treated as confidential, and only those persons with a need to know will be informed of an employee's request.
- B. An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action against the employee, although the employee may be transferred, given work restrictions, or placed on leave, as the College deems appropriate, while the employee seeks assistance and/or until the employee is drug-free and alcohol-free. An employee's decision to seek assistance under this policy will be considered voluntary only if the employee seeks assistance prior to being found in violation of this policy or being asked to take a drug and/or alcohol test.
- C. A decision to seek assistance to address a drug or alcohol problem cannot absolve or protect employees from the consequences of substandard work performance or policy violations. Therefore, it is the responsibility of each employee to seek assistance before the employee's alcohol or drug abuse problems lead to a violation of this or other College policies justifying disciplinary action.

4. Drug and Alcohol Testing

In furtherance of its goal of ensuring a substance-abuse-free workplace the College has established the following drug and alcohol testing procedures. The College requires all employees and job applicants to consent urine, saliva, blood, and/or breathe samples for the purpose of checking for the presence of illicit drugs or alcohol, as follows:

- A. Job Applicants
 - i. All job applicants must take and pass a mandatory drug test as soon as practical following their acceptance of a conditional offer of employment.
 - ii. Job applicants who test positive for illegal drug use will not be hired.
 - iii. Job applicants who test positive for drugs may re-apply for a position with the College after 6 months if they no longer engage in illegal drug use at the time they reapply. The College may also require proof of rehabilitation, as appropriate.
 - iv. A job applicant's refusal to submit to drug testing, or attempt to tamper with, substitute for, adulterate, dilute, or otherwise falsify a test sample will be deemed a rejection of the conditional offer of employment.

B. Current Employees

Current employees are subject to reasonable suspicion testing. When any supervising employee has reason to believe that an employee has violated this policy, the employee may be asked to submit to a reasonable suspicion drug test. Requests for tests will be based upon reasonably contemporaneous observations of the employee's behavior or performance, or other indications that this policy may have been violated. Examples of what may trigger a request to submit to a reasonable suspicion test include, but are not limited to, one or more of the following:

- i. observed suspected drug or alcohol abuse;
- ii. bizarre or erratic behavior (endangerment to self, coworkers, the College's property, equipment or services provided) or a pattern of conduct that indicates substance abuse may be a problem;
- iii. a conviction or acceptance of a guilty plea for drug or alcohol related criminal offenses during an individual's employment with the College;
- iv. observed possession of alcohol, drugs or drug paraphernalia on the College's premises;
- v. information provided by a reliable and credible source or which is independently corroborated;
- vi. a pattern of unexplained absenteeism, tardiness, or other unexplained change in job performance;
- vii. physical appearance or symptoms which may indicate drug or alcohol abuse; and/or
- viii. a near-accident or incident where employee error appears to have played a part and it appears that employee impairment may have been a factor.

C. Post-Accident Testing

The College may ask employees who are involved in a workplace accident in which it appears that that employee's error may have played a part and which results in a death, an injury to any person requiring medical attention (other than first aid), and/or property damage estimated at \$1,000 or more, to submit to a test for drugs and/or alcohol as part of the investigation of the incident.

D. Unannounced Testing

All employees are subject to unannounced drug and/or alcohol testing and unannounced testing may be selected at random or by other means, such as by job classification or work site.

E. Follow-up Testing

Unannounced follow-up testing may be required as a condition of continued employment during and after an employee has participated in a treatment program for drug or alcohol abuse, as recommended by the employee's substance-abuse treatment provider and approved by the College, for a period of up to two years.

F. Return-to-Work Testing

Employees who have been permitted to take leave to address drug and/or alcohol abuse will be required to take and pass a drug test as a condition of returning to work.

5. Consequences of a Positive Test

An employee whose alcohol or drug test is positive, regardless of the reason for the test, is considered to be in violation of the College's policy and will be subject to immediate disciplinary action, including termination.

6. Refusing a Test

Refusal by an employee to submit to lawfully required drug and/or alcohol testing will be considered insubordination and grounds for disciplinary action, up to and including termination. Attempts to tamper with, substitute, adulterate, dilute, or otherwise falsify a test sample are considered equivalent to a refusal to submit to a test and are grounds for termination.

III. Definitions

1. Illicit Drugs

Shall mean controlled substances listed in Schedules I-V of the Controlled Substances Act, 21 U.S.C. § 812, and related federal regulations, 21 C.F.R. §§ 1308.11-1308.15, as they may be amended from time to time and title 17, chapter 3, subchapter 10 of the Navajo Nation Code. "Illicit drugs" shall include controlled substance analogs as defined by federal and Tribal laws.

2. Alcohol

Shall mean any beverage containing ethyl alcohol content of 0.5% by weight.

3. Property


Shall mean property owned, leased, chartered or occupied by the College, including, but not limited to, motorized vehicles.

4. Activities

Shall mean any act or event sponsored or participated in by the College. Without limitation, "activities" shall include all intercollegiate and intramural athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the College (including approved student organizations) pays expenses, or provides facilities, services, supplies or transportation. "Activities" shall not include incidental work-related activities which employees perform.

IV. Form(s) and/or Equipment

1. Alcohol and Drug-Free Workplace Consent Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.16
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Non-Violence in the Workplace		Applicability: All Employees
Reference(s): Information Technology Social Media Policy		

I. Policy

The College is committed to provide a workplace that is free from violence by establishing preventative measures, by holding perpetrators of violence accountable, and by providing assistance and support to victims. Any form of violence as defined in this policy may be cause for disciplinary action, up to and including dismissal.

It is a violation of this policy to:

1. Engage in workplace violence as defined by this policy;
2. Possess, use, or threaten to use an unauthorized weapon as defined by this policy;
3. Misuse authority vested to any employee of the College in such a way that it violates this policy; and
4. Engage in off-duty violent conduct that has a potential adverse impact on the College and its employees, students, visitors or vendors.

Violation of this policy may be grounds for disciplinary action, up to and including dismissal. An act of off-duty violent conduct may be covered by this policy and may also be grounds for disciplinary action, up to and including dismissal.

The College will make efforts to protect victims of workplace violence by offering all feasible security measures. A victim may also need special accommodations or adjustments to his/her work schedule, work location or working conditions in order to enhance his/her safety. The College will accommodate these requests and needs whenever possible and appropriate. The College will work closely with victims to assure that the needs of both the victims and the College are addressed.

Management is expected to offer reasonable support to victims of workplace violence, which includes domestic and family violence, whenever feasible. In addition, management shall grant a victim the use of available paid annual leave, leave without pay, and/or flexible work scheduling for medical, court, or counseling appointments related to an incident of workplace violence. Employees can also use FMLOA, if eligible.

II. Procedures

After Campus Security has initially been notified, all incidents must be reported to the Department of Human Resources in writing using the reporting form for workplace violence.

1. The Department of Human Resources should receive a written report as soon as practicable, generally within two (2) work days of the incident. Should a violence incident go unreported and is later discovered to have occurred, management remains obligated to report the incident to the Department of Human Resources.
2. Human Resources will coordinate with other College administrative units to investigate the report. Depending on the nature of the incident, the College may require management in the department(s) in which the incident occurred to perform a more detailed investigation. Some

issues, such as domestic or family violence, may be referred directly to campus security or law enforcement without involving management.

3. Generally, Administrators are responsible for ensuring the completed reporting form is received by the Department of Human Resources. However, a participant in (or witness to) a violence incident may contact Human Resources directly (by phone, email, or in person) to report the incident. In such instances, Department of Human Resources staff will complete the reporting form with the assistance of the informant.
4. Violent acts, whether on-duty or off-duty, affect the ability of all employees to perform their jobs. The College will apply all useful management tools to accomplish the dual purpose of reducing the effects of violence on victims and the College community as well as holding perpetrators of violence accountable for their actions.
5. Administration, the Department of Human Resources and Campus Security have been designated to provide services to workplace violence victims.
6. All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, students, visitors or vendors.
7. Employees are required to report all acts of violence and threats of violence to College administration as provided in this policy.
8. Workplace violence includes, but is not limited to: intimidation, bullying, stalking, threats, physical attack, property damage, or domestic and family violence. This includes acts of violence committed by or against College employees. Such incidents may also involve students, visitors or vendors.

III. Definitions

1. Bullying

Unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks, whether physical, verbal, written or electronic, including but not limited to social media platforms (Please see Diné College's Information Technology Policies Manual for more information on the College's Social Media Policy). The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient.

2. Intimidation

Includes but is not limited to unwarranted behavior intended to frighten, coerce or induce duress.

3. Physical Attack

Unwanted or hostile physical contact including but not limited to hitting, fighting, shoving, restraining or throwing objects.

4. Property Damage

Intentional damage to property and includes property owned by the College or by employees, students, visitors or vendors.

5. Stalking

Involves harassing or pestering an individual in person, in writing, by telephone or by electronic format. Stalking also involves following an individual, spying on them, alarming the recipient, or causing them distress, and it may involve physical violence or the fear of physical violence.

6. Threat

The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry out the threat and without regard to whether the expression is contingent, conditional or future.

7. Domestic and Family Violence

Is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or a prior intimate relationship (including people who are married, live together or date, or who have been married, lived together or dated) or between family members.

8. Weapons


Any object that may be used to intimidate, attack or injure another person or to damage property. Objects understood to have a primary function as a weapon are not allowed on campus unless expressly authorized under this policy or under Navajo Nation law.

An employee may possess a weapon if possession is:

- A. In compliance with Navajo Nation law,
- B. Used by an employee who is a certified law enforcement officer,
- C. Required as part of the employee's job duties with the College, or
- D. Connected with training received by the employee in order to perform the responsibilities of his/her job with the College.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.17
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Use of College Property		Applicability: All Employees
Reference(s):		

I. Policy

This policy affirms the College's position on the use of the College property and defines a procedure for employees to implement, if it is believed that misuse is occurring. The College prohibits employees from personal use of the College's property when the employee knows such use is unauthorized and the employee knows that there is some risk of loss or detriment to the College. Personal use of the College's property may be a crime under federal or Tribal laws.

The College's policy protects an employee from reprisals for reporting violations of law or misuse of College resources. It is the policy of the College to encourage employees to come forward with such reports of misuse and to attempt to see that they are resolved initially with their immediate supervisor or appropriate line of authority with the College.

The College, in addition to the specific requirements of these laws and policies, strives to encourage its employees to avoid even the appearance of impropriety so as to not violate the College's trust.

II. Procedures

Certain incidental uses of the College's property are allowed, within reason: For example, private local or toll-free phone calls on the College's phone may be permitted, although supervisors can prohibit this altogether. Limited use for such a purpose does not result in any loss of the property.

1. There are circumstances when it is necessary for employees to take the College's equipment home, for a period of time, to facilitate the completion of specific job assignments. Employees may use the College's equipment at home for work-related purposes or for authorized use with written approval of a supervisor authorized to grant such approval, provided that the employee accepts full responsibility for any loss or damage to the equipment if the College's insurance does not cover the equipment.
2. The equipment must be returned to the College when its use at home is no longer necessary or authorized, or when the employee's employment ends. Failure to do so may constitute theft of property and appropriate sanctions may be brought against the employee, including withholding money due to the employee from the College until the property is returned or paid in full.
3. The responsible supervisor will develop guidelines concerning legitimate circumstances for use of the College equipment/facilities and taking equipment home. It is up to the discretion of the responsible supervisor whether to approve or deny a request to use equipment/facilities or take equipment home. If a supervisor chooses to allow use of facilities/equipment the guidelines developed by the responsible supervisor must be followed. The guidelines must:
 - A. ensure that any equipment allowed for use are "fit for use" and that the individual authorized to use the facilities is properly trained;
 - B. ensure that the appropriate fees are established so that the College does not experience a loss through consumption;
 - C. ensure that the use of equipment will not create a hardship or shortage for other employees within the College;

D. ensure that equipment that is taken off the College's premises is tracked.

In addition to the guidelines above, the individual using equipment must sign a form indicating that they are trained in using the equipment and may be responsible for any damage or loss and release the College of any liability.


4. Any employee can report violations or misuse of the College's resources without fear of reprisal to the Director of Human Resources or Campus Security. An employee who makes such a report cannot be dismissed from employment, have compensation decreased or employment-related benefits withheld, be transferred or reassigned, be denied a promotion which they otherwise would have received, be demoted, or be discriminated against in any other term or condition of employment on the basis that they made such report. However, an employee who intentionally furnishes false information is subject to disciplinary action, up to and including termination. If campus security is notified, the Department of Human Resources must also be notified.
5. A supervisor or other appropriate employee who receives a report of violations of law or misuse of College resources must take action on such reports. The supervisor is responsible for referring the issue to Department of Human Resources for follow-up. The determination made by the supervisor or Department of Human Resources as to the accuracy of the report of the violation of law or misuse of the College's property, and any subsequent disciplinary action taken, will be documented.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Use of College Property Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.18
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Reporting Observed, Suspected, or Apparent Misconduct		Applicability: All Employees
Reference(s):		

I. Policy

Diné College employees, and individuals associated with Diné College, acting in good faith, should report any observed misconduct, whether suspected or apparent. Misconduct is any activity performed by a College employee that violates tribal and/or federal laws or regulations, or Diné College policies. College employees are to maintain the highest standards of personal and professional ethics as they conduct business on behalf of the College, as outlined in the Code of Conduct Policy.

II. Procedures

1. Diné College is committed to conducting an initial review and continuing with a thorough investigation into allegations of misconduct where warranted, while protecting the rights of all involved. Misconduct should be reported as soon as reasonably possible, preferably within forty-five (45) business days from the time the employee becomes aware of the observed, suspected, or apparent misconduct.

- A. A verbal, written, and/or completed Formal Complaint Form can be submitted to the Department of Human Resources or any other employee of the College. Employees who receive a verbal and/or written report must notify the Department of Human Resources immediately, within one (1) work day.
- B. Retaliation is not tolerated by Diné College and will be promptly investigated.
- C. It is important to protect individuals from false, unsubstantiated, or inaccurate accusations. An employee who knowingly provides false information or knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation, or who knowingly provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including termination by Diné College.

2. Complaints Against the College President

The Diné College, among other commitments, endeavors to maintain a safe and secure work environment that requires the highest standards of professional conduct and ethics expected of all employees, including the College President. Employees who believe they have been subjected to misconduct by the College President may file a Formal Complaint for such misconduct. Initiating a Complaint.

- A. The completed Formal Complaint Form against the College President should be submitted as soon as reasonably possible, preferably within forty-five (45) business days from the time the employee becomes aware of the observed, suspected, or apparent misconduct to the Department of Human Resources.
- B. The Director of the Human Resources Department shall promptly notify the College Board of Regents President, or Vice President in the absence of the President or a designee.

C. Thereafter, the Director of the Human Resources Department shall review the complaint and meet with the Complainant to ensure sufficient factual allegations are provided in the complaint. In addition, the Director shall ensure that the Complainant wishes to proceed with the complaint by having it forwarded to the Board of Regents for consideration. All the information is complete and is true and correct to Complainant.

D. Submittal of the complaint to the College Board of Regents President or designee.

After the Director of Human Resources Department verifies the Complaint contains sufficient factual allegations and forwards the Complaint to the Board, the Director will no longer be involved in processing the complaint. However, the Board of Regents may request the Director's assistance to facilitate the convening of any dispute resolution mechanism and related matters.


III. Definitions

1. Retaliation

Retaliation is any adverse action taken against an employee because that employee reported suspected misconduct. Any employee who interferes with, tries to interfere with, or retaliates against the rights of another employee for reporting suspected misconduct or cooperating in an investigation is subject to disciplinary action, up to and including termination. Where possible, confidentiality will be maintained, however, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

IV. Form(s) and/or Equipment

1. Formal Complaint Form

	Personnel Policies and Procedures Manual	Workplace Conduct & Expectation: Section 4.19
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Complaint Procedures for Unlawful Discrimination or Harassment		Applicability: All Employees
Reference(s): Non-Discrimination Policy		

I. Policy

Respect is the foundation of interchange of ideas for learning and for working toward common goals. As such, except to the extent permitted by Navajo law, the College is committed to assuring that its programs are free from prohibited discrimination and harassment based on of race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation, gender identity, genetic information, military service, pregnancy or pregnancy-related condition, or because of marital, parental, or veteran status or any other status protected by College policy, Navajo Nation and/or federal law (if applicable). Discrimination and harassment impede the realization of the College's mission.

The College will not tolerate discrimination, harassment, or retaliation as defined below and is committed to preventing it or stopping it whenever it may occur at the College or in its programs. The policy presented here applies to employees, students, visitors, applicants, program participants at Diné College, and non-affiliated individuals. Prohibited Discrimination, includes both Harassment and Retaliation.

II. Procedures

The process outlined in this section applies to all complaints of unlawful discrimination or harassment, except those alleging any form of sexual misconduct. Any person alleging sexual misconduct on the part of any Diné College faculty or staff member, affiliate (e.g., visitor, vendor, etc.), or non-affiliate should refer to College's Sexual Misconduct/Title IX Policy and the Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates. Any person alleging sexual misconduct on the part of a Diné College student should refer to College's Sexual Misconduct/Title IX Policy and the Procedures for the Resolution of Sexual Misconduct Complaints Against Students in the College's Student Code of Conduct Handbook.

1. Initiating a Complaint

Employees, students, or applicants for employment or admission who believe that they have been subjected to unlawful discrimination may initiate a complaint either by meeting with the appropriate individual in one of the Departments listed below, or by submitting a written complaint to that individual or office. The information provided in the complaint should be as specific as possible regarding the circumstances that precipitated the complaint. The complaint should include the dates and places of the incidents at issue, the individuals involved, the names of any witnesses, any actions taken in an attempt to resolve the matter and the result of these actions, and any other pertinent information.

A. Complaints by Students

Students may initiate a complaint by speaking to the Student Affairs, or by contacting the Department of Human Resources. Students living in College residences may also speak to a member of the Residence Life staff.

- B. Complaints by Members of the Faculty, Staff, Administrators, applicants for employment or admission, visitors and other non-affiliated individuals.

Members of the Faculty, Staff, Administrators, applicants for employment or admission, visitors and other non-affiliated individuals may initiate a complaint by contacting the Department of Human Resources. Employees in academic units may also initiate a complaint with the Dean's office of the applicable School.

2. Investigation and Resolution of Complaints

The Department of Human Resources, Student Affairs or Residence Life Staff, noted above, were selected to give all members of the College community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

The investigation may involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the person whose actions are the subject of the complaint of the allegations and/or providing to that person a copy of the complainant's statement, and/or making any other appropriate inquiries. Before any adverse determination is made, the individual whose actions are the subject of the complaint will be informed as to the nature of the complaint, and will have an opportunity to respond.

The investigation should be completed promptly so that a decision can be rendered within forty-five (45) working days of receipt of the complaint. If the investigation cannot be completed within the forty-five (45) working days, the complainant will be informed of the status of the investigation.

A confidential record of all complaints, including their disposition, will be maintained by the investigating department, the Department of Human Resources or Student Affairs.

A. Complaints Against Students

The person who receives a complaint against a student will generally refer the matter for investigation to the Vice President of Student Affairs. The assigned individual will take any action that might be appropriate based on the results of the investigation, consistent with the applicable provisions in the Student Code of Conduct.

B. Complaints Against Faculty

The person who receives a complaint against a member of the faculty will refer the matter to the Director of Human Resources, who will inform the Dean of the faculty member's School. The complaint will be investigated by the Department of Human Resources in consultation with the Dean or the Dean's designee. If the complaint also involves academic matters such as grades, curriculum, etc., the investigator will ensure that those matters are addressed by the appropriate officials within the School or College. The Dean of the School will be informed in writing of the findings of the investigation and will determine whether further action is appropriate. Any action involving faculty will be consistent with the procedures outlined in the Personnel Policies and Procedures Manual.

C. Complaints Against Staff and Administrators

The person who receives a complaint against a member of the staff will refer the matter for investigation to the Director of Human Resources, who will inform the appropriate Administrator. The complaint will be investigated by the Department of Human Resources in consultation with the Administrator. The investigator will provide findings, in writing, to the appropriate Administrator, who will determine what action, if any, is appropriate.

Action involving administrators or staff will be consistent with any applicable College Personnel Policies and Procedures.

3. Confidentiality

Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the College's need to investigate the complaint and/or implement decisions made in order to resolve the complaint. However, to enable the College to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the College community, no representative of the College is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of Diné College policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with the College's Employee Assistance Program, or external mental health professionals, with whom such matters may be discussed in confidence. However, consulting with these professionals does not constitute the initiation of a complaint.

4. Appeals

In the event that the complainant believes that the resolution of the complaint has not rectified the situation, an appeal may be made. In cases involving complaints against staff, faculty, or administrators the appeal should be filed with the Director of Human Resources, who will direct the appeal to the appropriate Vice President for review and disposition.

In cases involving complaints against students, the appeal should be filed with the Vice President of Student Affairs in accordance with the appeal procedures outlined in the Student Code of Conduct.

An individual whose action(s) are the subject of a complaint may appeal adverse action taken as a result of the complaint. Students disciplined under the Student Code of Conduct should follow the appeal procedures outlined in that document. Faculty, Staff, and Administrators should follow the grievance procedures outlined in the College's Personnel Policies and Procedures.

III. Definitions

1. Discrimination

Occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected from discrimination by tribal, federal or College policy as set forth above. The failure to provide reasonable accommodations required by law or College policy based on disability or religious practice may constitute discrimination.

2. Harassment

Harassment a specific form of discrimination. It is unwelcome behavior, based on a protected classification that a reasonable person would perceive to be sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in College-sponsored activities.

Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic, electronic, and written statements, or conduct that is physically offensive, harmful, or threatening. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or


pervasive and objectively offensive so as to substantially interfere with or limit the ability of an individual to work, study, or otherwise to participate in activities of the College. While grounded in Navajo Nation laws, this policy may cover those activities which, although not severe, persistent, or pervasive enough to meet the legal definition of harassment, are unacceptable and not tolerated in an educational or work environment.

3. Retaliation

Occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of (a) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which College policy prohibits; (b) filing a complaint about such practice; or (c) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination or harassment complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.

IV. Form(s) and/or Equipment

1. Formal Complaint Form

	Personnel Policies and Procedures Manual	Compensation: Section 5.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Faculty Compensation	Applicability: Faculty	
Reference(s):		

I. Policy

The College's compensation package consists of both financial compensation and benefits. Benefits have a monetary value and both the College and faculty should consider this value in compensation. This policy describes how faculty starting pay is determined and the basis for any subsequent pay changes.

1. Guidelines

The College's compensation administration program has the following objectives:

- A. To obtain the highest degree of employee performance and morale through fair and equitable compensation administration.
- B. To ensure that salaries paid are internally equitable and consistent within and between position categories.
- C. To ensure that salaries paid are fair and competitive within the relevant labor market.
- D. To provide recognition and reward for differences in individual ability and performance.
- E. To provide an effective means of budgeting and controlling compensation and related expenses.

2. Compensation Schedule

The School Dean, in consultation with the Director of Human Resources, and based on the faculty member's rank shall determine, in consultation with the Director of Human Resources, a faculty member's pay using the Faculty Compensation Schedule. An updated **Faculty Compensation Schedule** is available on the College's website. Faculty will not be paid at a rate less than the minimum for their grade, or greater than the maximum. The Department of Human Resources will conduct periodic reviews to preserve the accuracy and competitiveness of this schedule.

3. Pay Schedule

Faculty members have a choice of either twenty (20) or twenty-six (26) pay periods and shall specify the option on the Faculty Contract. No payoff option at the end of the contract is available for faculty selecting the twenty-six (26) pay periods on the contract.

II. Procedures

1. Starting Compensation

When hiring a new faculty, the School Dean will determine the employee's starting compensation, in consultation with the Director of Human Resources, prior to making a compensation offer. The School Dean determines the starting compensation based on the faculty's rank and the individual's qualifications, including experience, as well as budgetary considerations, subject to the following provisions:

- A. Internal Equity

If an employee is hired or transferred into a school that has one or more faculty member in the same rank, the new or transferred employee's starting compensation shall not exceed the current compensation of any faculty in the school with the same rank who has equivalent qualifications, including experience, and/or education.

B. Minimum Compensation

The minimum compensation of the grade is paid to faculty who meet all minimum qualifications of the position.

C. Starting Compensation above the Minimum

A starting compensation above the minimum may be paid to faculty who have directly related qualifications beyond the minimum requirements for the position. These qualifications include, but are not limited to, directly related experience at a comparable level or higher, education, certifications, and licenses.

D. Starting Compensation above the Midpoint

To pay a starting compensation at or above the midpoint of the compensation range, the Dean must submit a written justification to the Provost for approval. The Provost will submit his/her compensation recommendation and attach it to the justification and submit the documentation to the Department of Human Resources.

2. Compensation Changes

Each year, the College Administration will attempt to allocate funding for increases in compensation for all faculty based on the following categories.

A. Increased Cost in Benefits

If the cost of mandatory or non-mandatory benefits increases, the funds necessary to meet these increases are allocated before other increases in compensation are considered. These increases may be due to increases in the College's share of taxes and benefits, such as social security tax, retirement, health insurance, etc.

B. Merit Increases

The College may also designate funds for merit increases. This policy is to reward faculty who have demonstrated initiative, diligence, and excellence as reflected in their performance evaluations. Performance incentives are awarded as an increase in base pay.

C. Adjustment to Compensation Ranges

Based on the results of periodic reviews performed by the Department of Human Resources, the Faculty Compensation Schedule will be adjusted to keep the schedule competitive, subject to the availability of funds. Individual employee salaries will be reviewed by the Department of Human Resources and School Dean to determine the appropriate adjustment.

D. Change in Grade Due to Change in Rank

If a College faculty applies and is selected for a different rank, the faculty's new compensation will be based on the faculty's qualifications. The School Dean uses the same compensation criteria that would be used if he/she was hiring an applicant from outside the College.

E. Demotion

If a faculty is demoted for just cause, the employee's compensation will decrease. A demoted faculty's new compensation will be determined by the School Dean.

F. Interim/Stewardship Assignments

It is expected that a faculty will occasionally perform duties above or below his/her grade or classification without receiving a change in salary. If an employee primarily performs work at a higher grade over an extended period of time (over 30 working days) the faculty should be appointed to a stewardship or interim position.

3. Salaries Funded by Contracts and Grants

Compensation rate for a faculty member whose position is funded by a grant or contract or paid from multiple accounts shall comply with the Faculty Compensation Schedule and are subject to all the provisions of this policy. Proposed compensation level in contract and grant proposals must comply with this policy.

4. Extra Compensation

Faculty do not normally receive extra compensation. However, faculty may in *limited* circumstances receive extra compensation from the College for work performed outside the faculty's school. Extra compensation is not a guarantee, entitlement or privilege and is awarded at the sole discretion of the College.

Extra compensation is not intended to compensate employees for cooperative work between College departments and schools where faculty provide support for each other on an ongoing basis. Extra compensation will not be paid for services rendered to other departments/schools lasting less than a day, such as guest speaking. In all cases, the employee's primary assignment takes priority over the work performed for another school/department.

To qualify for extra compensation, the additional work must be performed outside the faculty's School, with the faculty's work being reviewed by someone other than the faculty's regular supervisor i.e. School Dean. Extra Compensation may be authorized, subject to all of the following restrictions. The additional work (for which extra compensation is to be paid):

- A. May not, in the opinion of the faculty's supervisor, create a time conflict with the performance of the faculty's regular duties and assignments;
- B. May not, in the opinion of the employee's supervisor, constitute a "conflict of interest" situation involving the faculty, such as a situation that competes with the interests of the faculty's primary assignment or the school's interests;
- C. Must be short-term and, therefore, is restricted in both the number or hours worked and the duration of the assignment; and
- D. Requires advanced written approval, five (5) working days, is required by the faculty's Dean where the work will be performed, and the individual who will be supervising the additional work. To request extra compensation, the individual who will be supervising the additional work must submit a justification memorandum with compensation amount to the Department of Human Resources, which has been approved by the faculty's School Dean. Approval for extra compensation must be obtained before the work is performed.

5. Record Keeping

The School Dean is responsible for keeping records that ensure all extra compensation paid to faculty is approved and paid according to the provisions of this policy.

6. Adjunct Faculty Compensation


Adjunct Faculty are compensated at the rate of \$650 per credit hour taught.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Compensation: Section 5.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Staff and Administrator Compensation		Applicability: Administrators and Staff
Reference(s):		

I. Policy

The College's compensation package consists of both financial compensation and benefits. Benefits have a monetary value and both the College and employee should consider this value in compensation. This policy describes how administrators' and staff employees' starting pay is determined and the basis for any subsequent pay changes. This policy applies to all administrators and staff, but it does not apply to faculty.

1. The College's compensation administration program has the following objectives:
 - A. To obtain the highest degree of employee performance and morale through fair and equitable compensation administration.
 - B. To ensure that salaries paid are internally equitable and consistent within and between position categories.
 - C. To ensure that salaries paid are fair and competitive within the relevant labor market.
 - D. To provide recognition and reward for differences in individual ability and performance.
 - E. To provide an effective means of budgeting and controlling compensation and related expenses.

2. Administrator and Staff Compensation Schedule

The Department of Human Resources assigns each administrator and staff job title to a specific grade and establishes a range of allowable pay rates for each grade. Employees will not be paid at a rate less than the minimum for their grade, or greater than the maximum. Compensation ranges are based on compensation rates paid by similar organizations for similar positions and a comparison of positions within the College. Allowable compensation rates are listed in the **Administrator and Staff Compensation** Schedule. The compensation rates are for full-time employees and will be prorated for part-time employees. The Department of Human Resources will conduct periodic reviews to preserve the accuracy and competitiveness of this schedule.

II. Procedures

1. Starting Compensation

When hiring a new employee, the appropriate Administrator and the Department of Human Resources will determine the employee's starting compensation prior to making a compensation offer. The hiring supervisor and the Department of Human Resources determine the starting compensation based on the grade of the position and the individual's qualifications, including experience, as well as budgetary considerations, subject to the following provisions:

A. Internal Equity

If an employee is hired or transferred into a department that has one or more employees in the same job title, the new or transferred employee's starting compensation shall not exceed the current compensation of any employee in the department with the same job title who has equivalent qualifications, including experience, and/or education.

B. Minimum Compensation

The minimum compensation of the grade is paid to employees who meet all minimum qualifications of the position.

C. Starting Compensation above the Minimum

A starting compensation above the minimum may be paid to employees who have directly related qualifications beyond the minimum requirements for the position. These qualifications include, but are not limited to, directly related experience at a comparable level or higher, education, certifications, and licenses.

D. Starting Compensation above the Midpoint

To pay a starting compensation at or above the midpoint of the compensation range, the hiring Administrator must submit a written justification to the appropriate Vice President for approval. The Vice President will submit his/her compensation recommendation and attach it to the justification and submit the documentation to the Department of Human Resources.

2. Compensation Changes

Each year, the administration allocates funds for increases in compensation for all employees based on the following categories.

A. Increased Cost of Benefits

If the cost of mandatory or non-mandatory benefits increases, the funds necessary to meet these increases are allocated before other increases in compensation are considered. These increases may be due to increases in the College's share of taxes and benefits, such as social security tax, retirement, health insurance, etc.

B. Merit Increases

The College may also designate funds for merit increases. This policy is to reward administrators and staff who have demonstrated initiative, diligence, and excellence as reflected in their performance evaluations. Each year budgetary guidelines will determine if funds are available and the lower and upper limits for such increase. Performance incentives are awarded as an increase in base pay.

C. Adjustments to the Compensation Ranges

Based on the results of periodic reviews performed by the Department of Human Resources, the Administrator and Staff Compensation Schedule will be adjusted to keep the schedule competitive, subject to the availability of funds. Individual employee salaries will be reviewed by the Department of Human Resources to determine the appropriate adjustment.

D. Change in Grade Due to Change in Position

If a College employee applies and is selected for a different position, the employee's new compensation will be based on the employee's qualifications. The appropriate Administrator in consultation with the Director of Human Resources uses the same compensation criteria that would be used if he/she was hiring an applicant from outside the College.

E. Demotion

If an employee is demoted, with cause, the employee's compensation will decrease. A demoted employee's new compensation will be determined by the supervisor in consultation with the Department of Human Resources.

F. Reclassification

Reclassification of a position to a higher grade may result from the Department of Human Resources changing the position due to market changes or from significant changes in the position's duties and responsibilities. The salary for the reclassified position will be recalculated accordingly. If a position is changed to a different grade, the resulting compensation change will be effective as soon as the next pay period after the employee has been notified in writing of the compensation change. In addition, an employee may choose to exercise priority hiring rights for any vacant position in the previously held classification.

G. Stewardship or Interim Appointments

It is expected that an employee will occasionally perform duties above or below his/her grade or classification without receiving a change in salary. If an employee primarily performs work at a higher grade over an extended period of time (over 30 working days) the employee should be appointed to a stewardship or interim position.

3. Pay Differential

A. Pay Rate for Shift Work

A pay differential is an hourly pay rate in addition to a non-exempt employee's base pay rate. A pay differential is paid to an employee for a shift assignment when at least half of the work hours are between 4:30 P.M. and 8:00 A.M. of the following day. Pay differential rates apply to the entire work period and not just the hours between 4:30 P.M. and 8:00 A.M.

Overtime is calculated at the employee's regular rate of pay (base pay plus pay differential). Pay differential rates are established by the Department of Human Resources. Exempt employees are not paid a pay differential.

B. On-Call Pay

On call pay is paid to non-exempt employees who are required to remain available to return to work and who meet the conditions for payment pursuant to this policy. Generally, on call time is compensable when employees are so restricted that they cannot pursue personal activities. The specific factors considered to determine if on call status is compensated are:

- i. Restrictions on the employee's location,
- ii. Expected response time to return to work,
- iii. Number of other employees available to be called,
- iv. Frequency and urgency of calls received, and
- v. Actual use of on-call time.

The basis for determining if time in on-call status is compensated is the extent to which employees are actually inconvenienced. Therefore, employees who are free to leave the premises and attend to personal matters are not typically compensated for time in on-call status. Carrying a beeper or leaving a phone number where one can be reached does not require compensation unless the conditions listed above are also met.

The employee's Administrator determines (1) when on-call status is compensated time and (2) the rate non-exempt employees will be paid in consultation with the Department of Human Resources. Exempt employees do *not* receive on-call pay.

4. Extra Compensation for Exempt Employees

Exempt employees do not normally receive extra compensation. However, exempt employees may in *limited* circumstances receive extra compensation from the College for work performed outside the employee's department. Extra compensation is not a guarantee, entitlement or privilege and is awarded at the sole discretion of the College.

- A. Extra compensation is not intended to compensate employees for cooperative work between College departments where staff provide support for each other on an ongoing basis. Extra compensation will not be paid for services rendered to other departments lasting less than a day, such as guest speaking. In all cases, the employee's primary assignment takes priority over the work performed for another department.
- B. To qualify for extra compensation, the additional work must be performed outside the employee's department, with the employee's work being reviewed by someone other than the employee's regular supervisor.
- C. Restrictions on the Authorized Use of Extra Compensation – Extra compensation may be authorized, subject to all of the following restrictions. The additional work (for which extra compensation is to be paid):
 - i. may not, in the opinion of the employee's supervisor, create a time conflict with the performance of the employee's regular duties and assignments;
 - ii. may not, in the opinion of the employee's supervisor, constitute a "conflict of interest" situation involving the employee, such as a situation that competes with the interests of the employee's primary assignment or the department's interests; and
 - iii. must be short-term and, therefore, is restricted in both the number or hours worked and the duration of the assignment.

D. Required Approval

Advance written approval is required by the employee's immediate supervisor where the work will be performed, and the individual who will be supervising the additional work. To request extra compensation, the individual who will be supervising the additional work must submit a justification memorandum with compensation amount to the Department of Human Resources, which has been approved by the employee's Administrator. Approval for extra compensation must be obtained before the work is performed.

E. Pay Rate for Extra Compensation

An employee Additional Pay Agreement may be issued for employees and shall be subject to approval of the President. The services for which the employee is receiving additional pay shall be clearly outside the employee's normal scope of duties and responsibilities as described in the employee's position description and regularly scheduled tour of duty. Additional earnings shall be added to the employee's regular paycheck and are subject to deductions for income taxes, FICA and FUTA.

When extra compensation is authorized, the rate of pay is determined by the Department of Human Resources and must be in accordance with the College's compensation scale for the type of work being done and reflect the amount of effort involved. For example, if a manager does the job of an accountant, the extra compensation paid to the manager would be at the rate of pay an accountant would be paid for the job. However, if an accountant

does accounting duties in another department, the accountant's pay rate would remain the same. If no comparable job classification exists or the department is not sure of the proper pay rate, the department making payment should contact the Department of Human Resources for a pay rate determination.

After the work is completed, the employee and the individual supervising the work must sign the Non-Standard Payment form verifying the work has been completed and submit it to the finance office for processing. The employee will be paid on the next regular payroll after the payroll office receives the confirmation of completion of work. Any changes to the Non-Standard Payment form after approval may need to be approved by the Department of Human Resources and/or the respective vice president.

5. Record Keeping

The appropriate Administrator is responsible for keeping records that ensure all extra compensation paid to employees is approved and paid according to the provisions of this policy.

6. Salaries Funded by Contracts and Grants

Administration and staff employees whose salaries are funded by contracts or grants are subject to all the provisions of this policy. Proposed compensation levels in contract and grant proposals must comply with this policy.

7. Overtime

The purpose of this policy is to control labor costs by managing the expense of overtime pay to non-exempt employees. Exempt employees are not eligible for overtime.

A. Compliance

The College will pay 150 percent to non-exempt employees who exceed forty hours of work time in a workweek.

- i. Paid leave, such as holiday, sick or annual leave, does not apply toward work time.
- ii. The work week begins at 12:00 a.m. on Saturday morning and ends at 11:59 p.m. on Friday night.
- iii. Overtime payments do not commence until the employee exceeds 40 hours in a work week.

B. Overtime Approval

Non-exempt employees are required to obtain approval from supervisors prior to the use of overtime. Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval prior to working hours that extend beyond their normal schedule. Although overtime payments do not commence until the employee exceeds 40 hours in a workweek, approval is required.

C. Mandatory Overtime

During busy periods, a supervisor may require employees to work extended hours.

D. Consequences of Overuse of Overtime

Supervisors are required to obtain approval from their appropriate Administrator prior to authorizing non-exempt employees to work overtime. Supervisors who authorize non-exempt employees to work overtime without prior approval from the appropriate Administrator will be subject to disciplinary action. Supervisors who continually rely on

the use of overtime hours in order to complete a week's work without authorization by the appropriate Administrator will be placed on a performance improvement plan.

E. Consequences of Unauthorized Overtime

Employees who fail to obtain approval prior to working hours that extend beyond their normal 40-hour workweek will be paid overtime payments for the time worked in excess of 40 hours, but will be subjected to disciplinary action. Repeated offenses may result in termination.

8. Compensatory Time

Compensatory time refers to compensation, taken as time off with pay, for hours an employee works in addition to his/her normal work schedule. Supervisors may allow non-exempt employees to take compensatory time off in lieu of overtime pay in accordance with the provisions of this policy. The provisions for compensatory time for non-exempt employees differ from the guidelines for exempt employees.

A. Non-Exempt Employees

Supervisors are responsible for ensuring compliance with this policy and should ensure an employee is compensated for overtime hours. Non-exempt employees may be granted compensatory time if there is a written agreement, in advance, between the supervisor and the employee to use compensatory time in lieu of overtime pay. If an employee does not want compensatory time in lieu of overtime pay, the employee must be paid overtime. This decision may not be used as a factor in determining which employee to assign to work overtime.

All hours worked must be reported on the employee's time sheet. Compensatory hours earned and used must be thoroughly documented. Departments should use the Compensatory Time Report Form.

- i. Non-exempt employees earn compensatory time at the same rate as overtime, normally 150 percent the number of overtime hours worked. However, if the additional hours worked do not qualify as overtime (i.e. leave was taken during the work week), but the employee wants time off in lieu of payment; such compensatory time will be accrued at the straight time rate.
- ii. Non-exempt employees may accrue a maximum of 120 hours of compensatory time. (80 hours of overtime worked x 1.5 = 120 hours of compensatory time.)
- iii. Compensatory time must be used within ninety (90) calendar days from the date it is earned. Compensatory time that is not used within ninety (90) calendar days must be converted to overtime pay. Employees working on a contract or grant may earn compensatory time in accordance with the terms of the contract or grant, if authorized by the supervisor in advance, and must take compensatory time within ninety (90) days or the period covered by the contract or grant, whichever is less. Compensatory time that is not used within the required time period must be converted to overtime pay.
- iv. Non-exempt employees separating from the College will be paid for any unused compensatory time.
- v. Each department will maintain records of compensatory time earned and used by its non-exempt employees.

B. Exempt Employees

Exempt employees are paid a regular compensation and are not paid based on the number of hours worked. Exempt employees are hired to get the job done and at times may need to work beyond their usual schedule. Exempt employees are given the flexibility to exercise judgment both in how and when the work is done. A greater emphasis is placed on meeting the responsibilities of the position rather than on working a specific number of hours. Exempt employees are expected to meet operational needs and are evaluated on results achieved. Therefore, exempt employees do not accrue compensatory time in the same manner as non-exempt employees.

However, supervisors may allow an exempt employee paid time off when it is recognized that the exempt employee has worked a significant amount of time beyond the normal work schedule to perform specific job requirements. Any time off under the circumstances described above shall be determined mutually by the supervisor and employee. An exempt employee may not use this time off for absences when the employee is paid for work performed outside the employee's regular work hours or outside the College. The employee must use annual leave for such absences.


Administrators will administer compensatory time in a fair and reasonable manner. An exempt employee is responsible for ensuring procedural compliance with this policy and adequate documentation of absences. Exempt employees separating from the College will not be paid for any unused compensatory time and are not eligible to extend their separation date to use such time off.

III. Definitions

There are no definitions associated with the policy

IV. Form(s) and/or Equipment

1. Compensatory Time Report Form

	Personnel Policies and Procedures Manual	Compensation: Section 5.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: College Bonus Plan		Applicability: All Employees
Reference(s):		

I. Policy

The goal of the Diné College's Bonus Plan is to provide a one-time bonus to employees who have accomplished extraordinary achievement(s) within the workplace. It is designed to complement the Evaluation Program and provide a financial reward to a select few who have outperformed and exceeded expectations during the year.

II. Procedures

1. Eligibility

All regular full-time employees and regular part-time (exempt and non-exempt) are eligible. Student employees, contract staff, and temporary employees are not eligible to participate.

2. Criteria

Eligible employees may be considered for a bonus based on the following criteria:

- A. The employee performed substantially above and beyond expectations on a specific project or goal; or
- B. The employee made a contribution that has a significant impact on the College, school, or department objectives; or
- C. The employee went above and beyond the normal responsibilities required by his/her position; or the staff member assumed added responsibilities in the short-term to address a situation in which there was a "gap" in the organization.

3. Performance Measures

- A. The performance of the employee must be extraordinary, above normal expectations, and beyond the basic functions of their job. Everyone is paid to do their job; adequacy of performance does not establish eligibility for a bonus. Extraordinary achievement may be indicated by a single noteworthy action or a succession of extra efforts accomplished over a period of time. The performance must be measurable and have a beneficial net effect for the College. The written recommendation must be very specific and quantify exactly the effort and the outcome.
- B. Payments under this policy may not relate in any way to success in securing student enrollments or awarding financial aid. Such payments are not supported by Diné College and would violate federal law and the Department of Education regulations:

 Section 487(a) (20) of the Higher Education Act (34 U.S.C. § 668.14(b) (22) prohibits schools that receive Title IV student aid funds from providing any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any person or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.
- C. Each Department will maintain on record discrete and specific measures, benchmarks and standards of operation to identify circumstances that would establish that an employee has

met the criteria in section II.2. above. These measures should fall into one of the following categories:

- i. Customer Service: Vendor, Student, Faculty, Staff; Customer Satisfaction of timeliness, courtesy, quality, etc.
- ii. Operational Excellence: Productivity, Growth, Quality, Cost Containment

4. Nomination Process

An employee may be nominated by any Diné College Administrator. Nominations should be sent to employee's supervisor, department/school administrator, and vice president for review.

- A. After the employee's nomination has been reviewed in their department, the nomination should be sent to the Director of Human Resources.
- B. The College Bonus Plan Committee will make a final decision after considering all comments.
- C. The Department of Human Resources will track all nominations.
- D. The recommendation should be submitted on the form and include a concise statement in three or four sentences presenting the case for bonus qualification. Please give careful consideration and justification to your recommendation/s.

5. Committee

The College Bonus Plan Committee is comprised of the Provost, Vice President of Finance & Administration, Vice President of Student Affairs, Vice President of External Affairs, the Director of Human Resources and the College President

6. Bonus Award

- A. Bonuses shall be determined as a percentage of base pay.
- B. Bonuses may be awarded throughout the year based on events/situations.
- C. An employee may not receive more than one bonus per fiscal year.

7. Disclaimer


The bonus under this plan will not be used in calculating retirement, health or wellness benefits. The bonus is to be considered to be a one-time cash award and is not to be added to the base pay of the individual. All bonus earnings are considered taxable income in the year in which they are paid. Appropriate federal and state income taxes will be withheld at the rates in effect at the time of the payout. Participants are responsible for determining the tax consequences of the bonus payments and arranging for appropriate withholding. Diné College will not be responsible for payments, interest, penalties, costs or expenses incurred as a result of an employee's failure to arrange for sufficient withholding of deductions from bonus payments. An employee must be considered active on the bonus payout date to receive any bonus under this plan. At any point in time, Diné College reserves the right to unilaterally change, modify, and/or terminate any aspect of this plan.

III. Definitions

There are no definitions associate with this policy

IV. Form(s) and/or Equipment

1. Nomination Form

	Personnel Policies and Procedures Manual	Compensation: Section 5.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Holiday Compensation		Applicability: All Employees
Reference(s):		

I. Policy

The College observes specific holidays each year and most offices are closed during these holidays. This policy describes which staff employees are eligible for holiday pay, calculation of holiday pay, and compensation to staff employees who must work on a holiday. Although the College does not grant holiday pay for holidays other than the observed holidays listed below, an employee who requests time off to observe a religious holiday will be allowed to do so by taking annual leave or leave without pay.

The following holidays are observed by the College:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Diné College Day	Fourth Monday in April
Diné College Memorial Day	Friday before Memorial Day
Memorial Day	Last Monday in May
Independence Day	July 4
Sih Hasin Day	Friday before Faculty Return in August
Labor Day	First Monday in September
Indigenous People's Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Diné Family Day	Friday immediately following Thanksgiving Day
Christmas Eve	December 24
Christmas Day	December 25.

1. Holidays Falling on a Weekend

The holiday is usually observed on the calendar day designated as the holiday. When a holiday falls on a Saturday, the holiday will normally be observed on the preceding Friday. When a holiday falls on a Sunday, the holiday will normally be observed on the following Monday. The College reserves the right to schedule a holiday that falls on Saturday or Sunday on the day that most benefits the harmonious operation of the College.

2. Employees Eligible for Holiday Pay

Only regular full-time and regular part-time employees (working 20 or more hours per week) are eligible to be paid for holiday time off. Employees must either work or be on paid leave on scheduled work days before and/or after the holiday in order to be eligible for holiday pay.

Temporary employees and/or student employees are not eligible to receive pay for holiday time off.

3. Holiday Compensation

Holiday pay for non-exempt staff working a traditional full-time Monday – Friday schedule is calculated based on their regularly scheduled hours. If the employee is scheduled to work any other schedule (part-time, flex etc.), the employee will be paid for the number of hours obtained by dividing their normal number of scheduled weekly work hours by 5 days for each observed holiday.

For example, an employee who normally works 30 hours per week would receive 6 hours of holiday pay or 30 hours divided by 5 days which equals 6 hours. At no time will non-exempt employees receive greater than 8 hours of holiday pay, regardless of schedule. In any month containing holidays, exempt staff will receive their normal pay, while managing their time appropriately to ensure completion of all assigned duties.

4. Employees Required to Work on a Holiday

Departments such as, law enforcement, security, libraries, information services and plant maintenance, due to the nature of their operation, may regularly require employees to work on holidays. Each employee affected should be advised that this alternate holiday schedule is a condition of employment.

- A. To meet operational needs, an employee may be required to work a holiday without such notice and approval. In these situations, supervisors should give employees as much notice as possible.
- B. Supervisors will assign employees to work holidays in a fair and reasonable manner, taking into consideration the needs of the department, and the abilities, availability, and willingness of employees. An employee who refuses to work a holiday may be subject to disciplinary action.
- C. Non-exempt Employees who are required to work on a holiday will be paid for the hours worked at a premium rate of 1.5 times their regular rate and will also be given time off in lieu of the holiday. If a non-exempt employee does not take the time off during this time period or separates from the College before the time off is taken the employee will be paid for all unused holiday leave at straight time. Employees required to work on a holiday, who cannot be given a day off in lieu of the holiday, will be paid the premium rate 1.5 times for the hours worked on the holiday. In addition, they will receive holiday pay at their regular rate of pay.
- D. In most instances exempt employees will not be required to work on a holiday. Exempt employees who are required to work on a holiday will be paid their regular compensation and given another day off.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Compensation: Section 5.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Annual Leave Buyout Program		Applicability: Administrators and Staff
Reference(s):		

I. Policy

Administrators and staff personnel who have accrued at least 120 hours of annual leave and who have successfully completed their probationary period may choose to sell their accrued leave time back to the College in lieu of actually taking the time off.

1. Annual leave sold in this manner will be sold only in increments of 8 hours.
2. Pay for such leave will be at seventy-five (75) percent of the employee's regular hourly rate in effect at the time the leave is paid.
3. Annual Leave sold under this provision will be deducted from the employee's accrued total hours when paid and the employee will not be entitled to take time-off for these hours.
4. Properly approved forms must be submitted to the College payroll office no later than the pay period ending day, in order to be paid on the next subsequent pay day.
5. After cash out, the employee's Annual Leave shall not be less than 80 hours and a minimum of 40 annual leave hours can be cashed out at any one time.

II. Procedures


1. An employee requesting to sell their accrued leave shall submit a request, using Annual Leave Buy-Out Program Form, to his/her appropriate Administrator.
2. The Administrator shall ensure that all requirements under this policy are met before approval.
3. Upon approval, the Annual Leave Buy-Out Form will be forwarded to Finance and Accounting (Payroll).

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Annual Leave Buy-Out Form.

	Personnel Policies and Procedures Manual	Employment: Section 5.06
		Adoption Date: 05-08-2020 Effective Date: 05-08-2020
Policy: Hazard Pay		Applicability: All Employees
Reference(s):		

I. Policy

From time to time some employees must perform hazardous duties or duties in hazardous locations, or both. The College recognizes that employees must be compensated for their willingness to take on hazardous duties.

During periods when the College declares an emergency, employees who are deemed essential workers are required report to work on site. If the College President, pursuant to Section 1.14, deems that the emergency is one creating conditions such that the essential worker's health or safety is placed at risk, the College will take reasonable available measures to protect essential workers while they carry out "hazardous duty."

In addition, there may be circumstances even where an emergency declaration is not warranted where an employee must perform hazardous duties.

In either case, employees carrying out hazardous duties are eligible for hazard duty pay (HDP). All full- and part-time employees assigned to positions that require them to carry out "hazardous duty" are eligible for hazardous duty pay. Hazard Duty Pay (HDP) is a supplement to the employee's base pay.

Note: According to the Internal Revenue Service (IRS), HDP is considered taxable income. These amounts will be included on the employee's W-2.

II. Procedures

Workers carrying out hazardous duties will be compensated a HDP as follows:

1. Employees carrying out hazardous duties will begin earning the pay differential beginning on the first day of the assignment of such duties. HDP will be prorated based on the number of hours carrying out such hazardous duties.
2. HDP is paid as a percentage of the employee base pay. The College will pay HDP employees an additional percentage of their base pay based on the kind of hazardous duty assigned to the employee as set forth in 5 CFR Appendix-A_to_subpart_I_of_part_550. By utilizing this Appendix as a reference, the College is not adopting any federal obligation otherwise not applicable to it.
3. Neither overtime, holiday pay nor any other premium pay is factored into the base rate to determine the HDP rate.
4. HDP will not be paid when the employee is on an unpaid leave of absence or on paid leave away from the assigned location. HDP will resume when the employee returns to the assigned location.

III. Definitions


1. Hazardous Duty

Means duty performed under circumstances in which an accident could result in serious injury or death, such as duty performed on a high structure where protective facilities are not used or

being exposed to micro-organic materials, which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection.

IV. Form(s) and/or Equipment

There are no form(s) and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Employment: Section 5.07
		Adoption Date: Effective Date:
Policy: Severance Pay		Applicability: All Employees
Reference(s):		

I. Policy

In the event of an involuntary termination due to a reduction in force/layoff, change in the College's direction, or job elimination, Diné College provides a severance benefit for affected employees. Diné College offers this severance pay in accord with its vision to operate in line with Navajo tradition and help ease the employee's transition, should a layoff or other covered termination occur.

II. Conditions for Severance Benefit

1. "Continuous service" includes leave time or other time off taken for any purpose recognized under College policy or applicable law, as well as any break in service recognized as continuous service under College policy or applicable law.
2. "Continuous service with the College" includes service as an employee of the College in any capacity at a regular full-time status, except that it does not include employment as a student employee. Time of service is not counted more than once where an employee works contemporaneously in two or more positions with the College.
3. Receipt of severance pay under this policy does not affect a covered employee's eligibility for retiree benefits, as applicable.
4. Employees still under probation or have not completed one-year of continuous service are not eligible.
5. This Policy does not apply to termination for cause, resignation, refusal to be reassigned, reclassified or refusal to be relocated. This policy applies to all exempt and nonexempt, regular full-time employees.

III. Procedures

Subject to the coverage provisions and conditions set forth in this policy, a covered employee is eligible for the severance pay below, if on the date of his or her separation from the College, he or she is classified as a regular full-time employee and has completed at least one year of continuous service in that capacity.:

1. Non-Administrators

Two full weeks of severance, at the employee's base pay, less legally required deductions, for each full year of continuous service with the College up to a total maximum of 50 weeks of severance pay.

2. Faculty

One and a half weeks of severance, at his or her base pay, less deductions permitted by law, for each full academic year of continuous service with the College up to a total maximum of 37.50 weeks of severance pay. For the purposes of calculation, faculty's weekly severance will be determined by the salary per academic year divided by forty (40) weeks.

For example: \$50,000 per Academic Year with 5 academic years of continuous service.
 $\$50,000/40 \text{ weeks} = \$1,250 \text{ per week}$. At five years = $5 \times 1.5 \times \$1,250 = \$9,375$

3. Administrators

One full week of severance, at his or her base pay, less deductions permitted by law, for each full year of continuous service with the College up to a total maximum of 25 weeks of severance pay.

IV. Definitions

1. Continuous Service


Means a period of unbroken service with an employer by an employee

V. Reduction in Force and Other Policies and Procedures will be followed

- 1.** Any reduction in force to which this Severance Policy applies will be conducted pursuant to Diné College Reduction in Force Policy, Section 3.14.
 - A.** The Reduction in Force Policy, Conditions, Procedures, and notifications and employee options, appeal procedures (for eligible employees), benefits eligibility, right to reinstatement, and right to consideration for recall shall be available to any employee or any former employee, subject to reduction in force under Diné College Policy.
 - B.** The Severance Pay Policy does not apply to a furlough or other short-term change in employee status.
- 2.** Any layoff, change in College's direction or job elimination will be conducted pursuant to applicable Diné policies and procedures.

VI. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Tuition Reimbursement		Applicability: All Employees
Reference(s):		

I. Policy

The College supports employees who wish to continue their education to increase responsibility and growth within their professional careers. In recognizing our philosophy, the College has established this policy to encourage an employee to take advantage of educational opportunities available with Diné College.

The approval for tuition reimbursement will be dependent upon the course, its relevance to the employee's current position, and whether there are sufficient resources in the reimbursement program.

II. Procedures

The employee must be a regular full-time employee who has passed his/her probationary period and with a meets performance or above rating by his/her supervisor, and the course of study must be designed to advance the individual's knowledge and potential in his/her present position with the College.

1. Before an employee starts course work, it must first be approved by the appropriate Administrator in the employee's Line of Authority. That approval must be attached with the Request for Tuition Reimbursement Form before a request is made.
2. The appropriate Administrator will determine if the course work/program is relevant to the employee's current position and consider other factors that may have a detrimental impact on the employees work performance such as whether the additional work load may hinder the employee's performance e.g. if additional work-load will hinder the employee's job performance.
3. Upon approval by the appropriate Administrator, the tuition reimbursement will be paid to the College employee upon successful completion of an approved undergraduate or graduate course with a Passing Grade. Reimbursement will be made for courses that were started after (not during) the employee's successful completion of his/her probationary period.
4. Tuition reimbursements will be made for fifty (50) percent of the course work applicable to the current position. The College will reimburse the employee after the end of each semester upon receipt of the following documents: (1) Request for Tuition Reimbursement Form with the appropriate Administrators approval; (2) The employee's transcript (unofficial is allowed) showing the required grades; and Proof of payment of tuition. Payments made on behalf of the employee, including but not limited to: Scholarships, Veteran's GI Bill, or sources of tuition assistance does not constitute proof of payment. Proof of payment can be established by either a bursar's receipt or a copy of a paid check (front and back).

If an employee attends a private or out-of-state institution the employee will only be reimbursed fifty (50) percent of the institution's current in-state public institution tuition rate. If there are multiple public institution rates the lowest rate will be used. For private institutions a similar public institution's in-state tuition will be used. For example: *University of Phoenix* Online, the Department of Human Resources will use *Arizona State University's* Online in-state tuition rate.

5. Employees must be actively employed by the College when reimbursement is requested.
6. The Department of Human Resources is responsible for administering the tuition reimbursement for eligible employees. All tuition reimbursement forms will be reviewed for policy compliance and job relatedness. The Department of Human Resources approves or disapproves tuition reimbursement requests.
7. Non-Reimbursable Costs
Textbooks, laboratory fees, service fees, admission fees, application fees, activity fees, out of state resident fees/courses, membership fees, recertification fees, licensure fees, registration fees, course audits, correspondence courses, seminars/workshops, Continuing Education Unit courses, credits in excess of a program curriculum's requirements, courses not required by a program curriculum, and late fees will not be reimbursed.


III. Definitions

1. Passing Grade

For undergraduate courses a passing grade is a "C" or higher and for graduate courses it's a "B" or higher.

IV. Form(s) and/or Equipment

1. Request for Tuition Reimbursement Form

	Personnel Policies and Procedures Manual	Benefits: Section 6.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Tuition Waiver		Applicability: All Employees
Reference(s):		

I. Policy

The tuition waiver program is to encourage an employee to take advantage of educational opportunities available here at Diné College. This program allows the employee to enroll in courses of study at a reduced tuition fee. The program further provides that the spouse and dependents of an eligible employee may enroll for courses of study at a reduced tuition fee.

II. Procedures

Before an employee starts course work, it must first be approved by the appropriate Administrator in the employee's Line of Authority. That approval must be attached with the Tuition Waiver Form before it's submitted to the Department of Human Resources.

1. Eligibility

A. Eligible Employee

The employee must be a regular full-time employee who has passed his/her probationary period and with a meets performance or above rating by his/her supervisor.

B. Eligible Family Member

An eligible family member is the spouse, domestic/civil union partner, or any unmarried dependent child, step child or adopted child of an eligible employee. The family member, except the spouse, must be less than 25 years of age and reside in the household of the eligible employee, proof residence inside household must be submitted with application. Employee must have passed his/her probationary period and with an average or above merit rating by his/her supervisor.

C. Beginning Participation

Eligible employees and eligible family members may participate in the tuition waiver benefit starting with the next academic semester after the eligible employee has completed his/her probationary period and with a meets performance or above rating by his/her supervisor.

Academic Semester must be the beginning of Fall or Spring Semester (Summer Session is not considered an academic semester).

D. Time Period of Benefit Eligibility

The eligible employee and spouse may receive benefits as long as the eligible employee is employed with Diné College. All other eligible family members may receive benefits for a period not to exceed 12 continuous semesters beginning with the first semester that the eligible family member registers for any academic course covered by the plan.

2. Academic Courses Covered

The tuition waiver program applies to any course offered in the Diné College course catalog or listing for which academic credit is given.

3. Maximum Benefit per Semester

The eligible employee and spouse maximum benefit per semester is one-hundred (100) percent of tuition only, for up to 6 credit hours per person, for academic courses covered and completed with a Passing Grade. The maximum benefit for other eligible family members per semester is seventy-five (75) percent of tuition only, for up to 6 credit hours per person, for academic courses covered and completed with a Passing Grade. If a Passing Grade is not achieved for a Tuition Waiver will not be processed by the Department of Human Resources.

4. Administration of Plan

The plan will be jointly administered by the Department of Human Resources and the Financial Aid Office.

5. Classes during the Workday

When courses are only offered during the employee's regular work schedule the employee may take one (1) course during normal working hours if the employee's absences will not disrupt the work environment and if the absence is approved in advance by the employee's appropriate Administrator.


III. Definitions

1. Passing Grade

For undergraduate courses a passing grade is a "C" or higher and for graduate courses it's a "B" or higher.

IV. Form(s) and/or Equipment

1. Tuition Waiver Form

	Personnel Policies and Procedures Manual	Benefits: Section 6.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Career Development		Applicability: All Employees
Reference(s):		

I. Policy

The College is committed to recruiting qualified applicants and retaining the best qualified employees to successfully fulfill and carry out the College's mission. This policy describes career development programs designed to prepare employees to meet the challenges of the workplace. The College will provide these career development opportunities and the support necessary, subject to available funding and applicable policies. Employees are responsible for taking advantage of these opportunities and being competitive in their chosen careers.

It is understood that career development and job skills acquisition are the joint responsibility of the employee, the supervisor and the employing department. Supervisors are expected to consult annually with direct reports to develop an appropriate staff development strategy.

Career development programs provide staff with opportunities for lifelong learning and continuous self-improvement. Career development encourages growth and commitment from employees to enhance job satisfaction and productivity. Supervisors are responsible for assisting employees with their career development.

II. Procedures

1. Types of Career Development Opportunities

A. Career Ladders

Career ladders are an avenue for staff to advance in their career at the College. As defined here, a career ladder is a non-competitive opportunity that an employee and his/her supervisor negotiate to allow the employee to advance to a higher grade while remaining in the same position. Career ladders must be approved in advance by the Department of Human Resources. Not every position lends itself to career ladder movement and even those that do may have limited progression available. However, where possible, career ladders provide a valuable opportunity for both the employee's and the College's development. Career ladders differ from career advancement, in that there does not have to be a position vacancy for career ladder progression.

The primary criteria for advancement through a career ladder is the ability of a position to include more complex duties and qualifications as stated in the job description for the next level in the career path. A career ladder plan will list the specific requirements necessary for advancement to the next level. These requirements usually include completion of education, professional certification/licenses, and/or specific experience. Before an employee can be advanced to the next level, the employee must meet these requirements and show the ability to satisfactorily perform increased responsibilities.

Career ladders differ depending on the positions and fields involved. A written career ladder plan must be developed and signed in advance by the employee, administrator, and appropriate Vice President. The plan must include a proposed timeline and proposed compensation increase specific to the career ladder and employee. The employee's proposed compensation will be based on the employee's additional qualifications using the same criteria that would be used if the next level position were filled through recruitment.

If the needs of the employee or department change significantly, the career plan may need to be revised. Individual career ladder plans must be approved by the Department of Human Resources to ensure the criteria for advancement are reasonable and consistent with established job descriptions. A copy of the signed career ladder plan must be filed with the Department of Human Resources.

The Department of Human Resources will monitor career ladder and career advancement activity and distribute an annual report of participation in these programs to the campus.

B. Job Enrichment Through Job Sharing

Job enrichment plans expand employee skills by providing employees with opportunities to learn different job duties through activities such as cross-training or job rotation. Job enrichment results in better trained employees and the variety and challenge of new assignments improves morale and reduces turnover. Not every position allows for a change in job duties; however, to the extent possible, supervisors are encouraged to provide job enrichment opportunities to employees. Job enrichment plans shall be developed and recorded in the performance evaluation process. Successful completion of a job enrichment plan does not result in immediate job advancement to a higher pay grade, but may result in a merit pay increase within the current pay grade.

C. Professional Development and Training

All employees benefit from and are expected to participate in some form of occupational and/or professional education and training on an ongoing basis to ensure they keep up to date with their fields of expertise. Occupational and/or professional education and training come in many forms such as academic classes, workshops/seminars, annual conferences, distance education, books/journals, specific training courses, membership in professional associations, and electronic discussion groups. For career development and advancement programs to be successful, training and support services for employees, supervisors, and managers are essential. Departments must pay for career development activities required by supervisors such as required training for licenses and certifications, or commitments made on an employee's performance evaluation. Departments are also encouraged to pay for other career development activities with a fair and reasonable distribution of available resources.

The supervisor's performance management responsibility includes helping employees identify career development opportunities at the College. Supervisors will include in every employee's performance evaluation a discussion of the College's career development program and will work with each employee to develop an appropriate career development plan that uses one or more of the programs described in this policy for the coming year. Supervisors will offer career development opportunities in a fair, reasonable, and nondiscriminatory manner. Managers and supervisors will participate in the programs described in this policy and will be evaluated on their efforts to develop staff. The Department of Human Resources offers training sessions for managers and supervisors on how to assist their employees with career development.

iii. Career Development Programs

All employees are encouraged to participate in some form of career development. The College's career development programs consist of the following opportunities that can stand alone or be combined with each other:

- a. continuous occupational and/or professional education and training to maintain expertise;

- b. job enrichment opportunities which expand skills through learning different job duties; and
 - c. career ladders to provide for planned progression within the same position.
- iv. Employee Career Development Workshop

Employees interested in enhancing their careers at the College may take career development workshops offered by the Department of Human Resources. A schedule of workshops and seminars will be distributed quarterly to employees. In addition, when employees complete the probationary period they will be notified by the Department of Human Resources about career development programs.
- v. Professional Development Planning Workshop for Supervisors and Managers


Supervisors and managers will attend a Professional Development Planning Workshop offered by the Department of Human Resources. This workshop will help supervisors work with their employees on career development programs.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Health Benefits		Applicability: All Employees
Reference(s):		

I. Policy

The College provides a diversified package of insurance benefits including health, dental, vision, life, short term disability, and accidental death and dismemberment insurance. The College pays the full cost of the insurance for the employee and the employee pays a portion of the insurance costs for dependent coverage. This policy provides a general description of the College's insurance benefits. For a more complete explanation of the benefits, the Department of Human Resources should be contacted.

II. Procedures

Employees who are regular full-time employees working forty (40) hours a week and regular part-time employees working at least twenty (20) hours per week are eligible for the College's insurance benefits. Insurance benefits are not available to temporary employees or student workers.

1. Coverage While on Leave of Absence without Pay (LOA)

An employee on approved leave of absence without pay (LOA) may elect to continue insurance coverage by paying the employee's portion of the monthly premiums. The College will continue to pay its portion. Upon receiving notification from the Department of Human Resources, the employee must formally elect to continue coverage within thirty (30) calendar days from the date of the notice. Once continuation is elected, the employee will receive a monthly bill from Finance & Accounting Department. Failure to pay this bill may result in cancellation of coverage.

If an employee elects not to continue coverage while on LOA, the employee must re-enroll within thirty (30) calendar days after returning from LOA or at the next available open enrollment.

2. Separation

Insurance benefits will terminate on the last day of the calendar month in which employment ends due to resignation, termination, reduction in force, retirement, death, layoff, etc.


COBRA (Consolidated Omnibus Budget Reconciliation Act): Continuing Coverage After Separation. In accordance with the COBRA continuation provision, an eligible employee who separates from the College may elect, at his/her own cost, to continue health, dental, and/or vision insurance through the College for up to 18 months after separation from the College in accordance with the terms of the respective policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Short-Term Disability		Applicability: All Employees
Reference(s):		

I. Policy

The short-term disability benefit provided by the College is a self-funded plan by the Navajo Nation for income replacement for employees unable to work due to illness, pregnancy or injury. (See a Department of Human Resources representative for details.)

II. Procedures

A regular, full-time employee who has completed ninety (90) days of continuous employment and who is unable to work due to illness, pregnancy or injury (other than a self-inflicted injury) is eligible. The employee must have exhausted all paid leave including annual and sick leave. An employee receiving workers' compensation or disability pay under any state or federal plan or private insurance policy is ineligible for this benefit. To be eligible for continued disability benefits, the employee must not engage in outside employment and is expected to avoid activities that may delay recovery and a return to work.

1. Medical Certification:

The employee must provide medical certification of the disability that includes the starting and expected ending date of the disability. This certification must be submitted to the Director of Human Resources who will review the certification and make a determination on benefit qualification.

2. Return to Work:

The employee must return to work as soon as permitted by the health care provider. The employee must submit a fitness-to-return-to-duty clearance to the Director of Human Resources. An employee whose absence has been designated as FMLOA is eligible for reinstatement as provided by the FMLOA policy.


Employees with any questions regarding this policy should contact the Benefits Coordinator.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Workers' Compensation		Applicability: All Employees
Reference(s):		

I. Policy

All employees are covered by workers' compensation insurance which compensates an employee for lost time arising out of a work-related injury. Employees must report any accident or injury immediately to their supervisor so that the necessary paperwork is completed.

All employees who are full-time temporary, part-time temporary, regular full-time, and regular part-time are eligible for Workers' Compensation. Non-federal work study and federal work study student employment are not eligible.

II. Procedures


1. When an accident occurs, the injured worker shall immediately, or as soon thereafter as possible, report the accident and the injury resulting therefrom to his/her immediate supervisor.
2. Once the supervisor receives notification from the injured employee, the supervisor shall immediately notify the Department of Human Resources. Supervisors' responsibilities may include: ascertaining whether the employee needs medical care; conducting an initial inquiry/investigation; determining whether witnesses were present; ensuring that a Report of Injury Form is immediately completed; and filing the Report of Injury Form.
3. If an employee completes an accident report because they believe his/her injury or illness is work related, they may be sent to a healthcare facility or doctor. If, after evaluation, the insurance company or doctor deems the injury or illness is not work related, the College will only be responsible for the medical costs arising out of or directly related to the determination of non-coverage. All other medical costs associated with the employee's claim will be the responsibility of the employee.
4. When an employee returns to full duty, he/she must provide a doctor's note with a full release to return to normal job duties with the following exceptions:
 - A. The College will accommodate, as much as reasonably possible, an employee's work restrictions. However, a full work day of productive work must be available and scheduled for an employee to work within his/her restrictions.
 - B. If an employee's restrictions are so great as to prevent the employee from working a productive full work day, he/she shall not return to work until he/she receives a full release or the College can accommodate his/her revised restrictions from the treating physician.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Report of Injury Form

	Personnel Policies and Procedures Manual	Benefits: Section 6.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Qualified Retirement Plan		Applicability: All Employees
Reference(s):		

I. Policy

The College has established the Diné College Qualified Retirement Plan and Trust (“Plan”) to assist employees in accumulating financial resources for retirement. The Plan allows eligible employees, as defined therein, to participate upon attaining the service requirements of the Plan.

Upon becoming a Plan participant, the employee is subject to a mandatory salary reduction that is contributed to the participant’s account in the Plan. A participant may elect to contribute additional amounts to Plan through payroll deductions. All participant contributions to the Plan are fully vested. Plan participants direct the investment of their funds into professionally managed investments.

The College makes a matching contribution to participants as of the end of the Plan year, the last day of the calendar year, provided that the participants have met the Plan requirements for a matching contribution. The matching contributions are fully vested after four (4) years of service as defined in the Plan.

The Plan can only be modified by Diné College Board of Regents. Detailed information on the Plan can be obtained from the Department of Human Resources.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.08
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Employee Assistance Program		Applicability: All Employees
Reference(s):		

I. Policy

Personal, family and work-related challenges can have an adverse effect on employee work performance. Diné College is committed to helping its employees cope with these challenges by offering an Employee Assistance Program (“EAP”). The sole purpose of the EAP is to help Diné College and its employees manage challenging situations by providing guidance and counseling. This service is provided by a third-party vendor through the College’s Health Benefits program. All employees and their household members/dependents are eligible for EAP services at no cost.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Benefits: Section 6.09
		Adoption Date: 03-20-2020 Effective Date: 03-23-2020
Policy: Telecommuting		Applicability: All Employees
Reference(s):		

I. Policy

Telecommuting allows employees to work at home, on travel or in a satellite location for all or part of their workweek. Diné College considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement or right; it is not a College-wide benefit; and it in no way changes the terms and conditions of employment with the College.

II. Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel. It can alternatively be formally arranged for a longer period of time with a set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time, including within the three-month period, at the request of either the telecommuter or the College. Whomever initiates the discontinuation of the telecommuting will make a good faith effort to provide thirty (30) days prior notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

1. Eligibility

With the exception of ad hoc arrangement appropriately approved by the employee's manager under the guidance of the human resource department, individuals requesting formal telecommuting arrangements must be employed with the College for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the eligible employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- A. Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- B. Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- C. Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- D. Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and manager agree, and the human resource department concur, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

2. Equipment

On a case-by-case basis, Diné College will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resource and Information Technology Departments will serve as resources in this matter. Equipment supplied by the College will be maintained by the College. Equipment supplied by the employee, if deemed appropriate by the College, will be maintained by the employee. The College accepts no responsibility for damage or repairs to employee-owned equipment. The College reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the College is to be used for business purposes only. The telecommuter must sign an inventory of all College property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all College property will be returned, unless other arrangements have been made.

The College will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The College will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. Diné College will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

3. Security and Privacy

Consistent with the College's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary College and other information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

The College may monitor and inspect employees' home computer and communications where warranted and consistent with the College's current monitoring policies.

4. Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The College will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the College's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

5. Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the College's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

6. Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved even for employees who have been employed less than twelve (12) months for circumstances such as emergency health situations, inclement weather, disability accommodations, special projects or circumstances as determined by the College President. These arrangements are approved by the appropriate Administrator in consultation with the Department of Human Resources on an as-needed basis only, with no expectation of ongoing continuance. Where the situation warrants, the College President may order employees to telecommute.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the College and with the consent of the employee's health care provider in cases where the College has concerns about the ability of the employee to safely work from home.


All ad hoc telecommuting arrangements are made on a case-by-case basis, focusing first on the College's business needs.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

1. Telecommuting Agreement

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Educational Leave		Applicability: Administrators and Staff
Reference(s):		

I. Policy

This policy reflects the utilization of educational leave for courses taken outside Diné College during normal work days. Educational Leave is granted to a regular full-time employee (non-faculty) with two (2) years of consecutive service with the College. Upon return the employee agrees to continue working for the College for a period equal to the duration of the educational leave. The employee is required to receive all necessary approvals prior to obtaining educational leave status. The College President gives final approval for educational leave requests.

II. Procedures

For an employee to qualify for the Educational Leave, the employee must:


1. Complete and sign the Notice of Educational Leave Application.
2. Submit a letter containing; the employee's degree objectives, justification for requesting Educational Leave, and a statement that the degree is career-oriented or job-related and explaining how it will benefit the College.
3. Provide a letter of acceptance from the educational institution the employee plans to attend indicating acceptance of the degree objective.
4. Be able to provide evidence that the degree program will be completed at a regional accredited institution during the time of leave.
5. Provide a copy of a degree program completed by the institution's program advisor (showing course work completed to date and remaining course work to be completed in order to obtain applicant's degree). In addition, the applicant must show the proposed sequencing of courses by semester throughout the leave by semester.
6. Provide copies of transcripts from all regionally accredited institutions the employee previously attended. While there is no GPA requirement for Educational Leave, the combined cumulative GPA from all institutions is used when evaluating the application.
7. Provide two letters of reference from persons who can attest to the applicant's professional qualifications and/or academic abilities. (i.e. supervisor, current or past instructors, etc.)
8. Provide certification from the immediate supervisor that the employee completed his/her job assignment and/or project before the leave begins. Consideration will also be granted to employees who can indicate that the department can function properly with the employee's absences.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Sabbatical	Applicability: Faculty	
Reference(s):		

I. Policy

A sabbatical is a form of leave that may be available to an eligible faculty member. A sabbatical is for a maximum period of one contract year or less as arranged by the faculty and the Dean and is always subject to the availability of funding.

A sabbatical is for the purpose of upgrading the educational program in the School by improving faculty competency. Sabbaticals are granted for intellectual growth and development, normally to be attained by study, research, travel, positive work experience or other creative activity.

II. Procedures

1. Eligibility

A faculty member is eligible to be considered for a sabbatical after serving four (4) consecutive contract years as a full-time faculty at the College, provided that the faculty agrees to serve two (2) contract years of teaching after returning from leave. This policy is contingent upon recommendation for faculty renewal and upon a successful employment evaluation.

Faculty members are eligible for an additional sabbatical after completing four (4) consecutive contract years following the prior sabbatical.

Every eligible faculty member is given equal consideration in granting sabbatical leave with the following selection Criteria:

- A. Service to the College and the mission
- B. The completion of advanced degrees
- C. Completing resident requirements for an advanced degree
- D. Curriculum and material development for new courses
- E. Research consistent with the goals and mission of the College
- F. Specialized Training in a subject related field

2. Administration of the Sabbatical Policy

The College's Vice President of Finance & Administration and the Provost shall determine the number of sabbaticals to be awarded for the next academic year after reviewing financial constraints as well as other pertinent considerations of the College.

3. Application and Selection Procedure:

- A. Faculty will go to the Department of Human Resources to verify years of service for sabbatical eligibility for the next year. The Department of Human Resources shall provide interested faculty with application forms by September 1 of the school year prior to the requested sabbatical leave.


- B. After confirming eligibility, the faculty member must submit the completed application forms to his/her appropriate school Dean by October 1, incomplete applications will not be considered.
 - C. Deans will review all submitted applications, interview all applicants, and make their recommendations to the Provost by November 1.
 - D. After reviewing the applications and recommendations, the Provost may request additional written or oral explanation from the applicants.
 - E. The Vice President of Finance and Administration and the Provost shall decide which applicant(s) will be granted a sabbatical by December 15.
4. Compensation and Financial Arrangements
- A. A faculty member on sabbatical may receive a maximum of 75 percent pay for the first half of the contract year then 50 percent pay for the second half of the contract year.
 - B. Taxable income earned during the sabbatical period must not exceed 100 percent of the College's contract amount. The College reserves the right to verify a faculty member's income.
 - C. Faculty on sabbatical are paid at the same intervals as other employees. Additional expenses related to the sabbatical are the responsibility of the faculty member.
 - D. The faculty employment status continues while on leave and the time spent on leave does not interrupt their progress on the compensation schedule.
5. Sabbatical Contract
- The granted faculty member will be required to sign a sabbatical contract. To ensure that the faculty member on sabbatical fulfills the stipulations outlined in the contract, the faculty member shall maintain contact with his/her school Dean during the sabbatical.
6. Provisions of Sabbatical
- A. Each faculty member returning from a sabbatical must file a written report with the appropriate Dean. It is suggested that the report be planned in consultation with administration before the sabbatical is taken. An official transcript serves in lieu of written report for a full-time study program.
 - B. Upon completion of any sabbatical leave, the faculty member shall be required to serve the College for two (2) full contract years.
 - C. If the recipient is unable to fulfill the terms of the sabbatical contract due to death or disability, the sabbatical will be considered void and all employer's salary obligations at time of death.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

- 1. Sabbatical Application Form
- 2. Sabbatical Contract Agreement

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Emergency or Bereavement Leave		Applicability: All Employees
Reference(s):		

I. Policy

Eligible employees are afforded forty (40) hours of Emergency Leave or Bereavement Leave per fiscal year for circumstances beyond the control of the employee and which require absence from work.

II. Procedures

1. Eligibility

All regular full-time employees are eligible for emergency or bereavement leave.

2. Emergency Leave

- All leave must be documented by using submitting a request through the online payroll system.
- The employee will complete a leave request indicating "Emergency Leave," the dates of the leave and the total hours to be taken from the designated leave category.
- The supervisor will confirm that the employee has the leave available before approving a request for paid leave. If the leave is not approved, the supervisor notify the employee on reason(s) why leave was not approved.
- If the leave is unforeseeable, a leave request should be completed and submitted to the supervisor as soon as the employee returns

3. Bereavement Leave

- Is to be utilized within fourteen (14) days of the date of death. Exceptions for unusual circumstances (i.e., remains must be transported from overseas) must be coordinated with the Department of Human Resources.
- Supervisors may ask employees to provide a documentation of the death, such as a death certificate or a published death notice, before bereavement pay will be authorized.

III. Definitions

1. Emergency Leave

Emergency is defined as an unexpected, serious occurrence or situation urgently requiring prompt action by an employee. Qualified emergencies involve immediate family member(s) emergencies such as birth, death, and accidents, for which other type(s) of leave is not available.

The loss of a family member may require time away from work. If there is a death in the family, an employee may take up to three working days off as leave with pay.


2. Family Member

For the purposes of this policy, family members include parents, children, spouses, domestic partners, grandparents, grandchildren, siblings, half-siblings, great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews, mother-in-law, father-in-law, step-parent,

son-in-law, daughter-in-law, step-child, step-brother, brother-in-law, step-sister, sister-in-law, adopted children, domestic partner children, and any other person who is a member of the employee's household.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Sick Leave		Applicability: All Employees
Reference(s):		

I. Policy

Sick leave is authorized time off from work granted to an eligible employee due to illness, injury, or disability or that of a spouse, child, or parent. This includes but is not limited to incapacitating, contagious, or chronic illness, disability caused by pregnancy, childbirth or related medical circumstances, illness or injury that requires examination, treatment or visits to a licensed practitioner, traditional practitioner or health-related counselor. If the employee is on FMLOA, sick leave (as well as annual leave) must be used initially as part of the FMLOA.

II. Procedures

1. Eligibility

Regular full-time employees are eligible to accrue sick leave hours from the date of employment.

2. Accrual Rate

- A. Eligible employees will accrue 4 hours of sick leave per pay period from the date of employment. If sick leave is exhausted, annual leave will be used in its place.
- B. Any unused sick leave will not be payable upon termination or resignation from employment.
- C. The maximum sick leave hours which may be accrued shall be 320 hours for administrators and staff, and 200 hours for faculty members.
- D. An employee will accrue sick leave when eighty (80) hours of compensation are paid for a pay period. An employee will not accrue sick leave for a pay period if less than eighty (80) compensation hours are worked and/or used during that pay period. The number of compensation hours worked and/or used during a pay period shall consist of any combination of regular hours worked, overtime hours worked, and any leave hours taken during that pay period.
- E. Eligible employees may carry forward sick leave hours from one fiscal year to another.

3. Physician's Statement

An employee is required to submit written proof of illness or disability from a physician for absences of three (3) or more consecutive workdays. At the discretion of the supervisor, a physician's statement may be required when an employee takes excessive sick leave or has a pattern of taking sick leave.

4. Traditional Healing Ceremonies

An employee who is a patient or involved in custodial care of the patient in a traditional healing ceremony may use sick leave. Sick leave should be requested and approved prior to the absence for the ceremony. The sick leave request shall include the traditional four-day observance. All other attendees shall take annual leave.

- A. The College does not cover traditional healing ceremony expenses incurred.


- B. An employee must request and obtain prior approval for the absence. The employee may be required to submit a written statement from the traditional practitioner performing the ceremony if the employee's absence due to traditional healing ceremonies warrants verification or if the ceremony is three (3) or more consecutive workdays.
5. Reinstatement of Sick Leave
- Sick leave hours shall only be restored when a former employee with re-employment preference is rehired within 6 months of separation from employment.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Annual Leave		Applicability: Administrators and Staff
Reference(s):		

I. Policy

The College grants paid time away from work under its annual paid leave policy. Employees are encouraged to schedule sufficient time off for relaxation to promote good physical and mental health.

An employee may use this leave for any purpose, including vacations, illness or time away from work for personal or family matters. Absences should be scheduled in advance with supervisor approval. Unscheduled absences are strongly discouraged except in emergency situations or unforeseen events or incidents.

A regular full-time employee, who is on probationary status with the College, is not allowed to use annual leave but may take sick leave or unpaid time off where appropriate.

II. Procedures

1. Accrual of Paid Leave Benefits While on Leave

- All regular full-time administrator and staff employees who are actively at work are eligible to accrue paid leave benefits.
- An employee will accrue annual leave when 80 hours of compensation are paid for a pay period. Work hours less than eighty compensation hours will not receive annual leave accrual. Any combination of compensation hours include regular hours, overtime hours and any leave hours are included in the total compensation hours.
- Employees who are on unpaid leave (LOA) will not be entitled to continue accruing paid leave benefits, including income replacement benefits such as short-term disability or worker's compensation.
- When an employee is on approved FMLOA, that employee will continue accruing paid leave only during the period of time that the employee is concurrently using sick leave and/or annual leave.

2. Leave Administration

Eligible employee will accrue annual leave at the following rates:

<u>Years of Service</u>	<u>Non-Exempt</u>	<u>Exempt</u>
Less than 5 years	4 hours/pay period	6 hours/pay period
Greater than 5 years to less than 13 years	6 hours/pay period	8 hours/pay period
Greater than 13 years	8 hours/pay period	10 hours/pay period

- Change in annual leave accrual rate per pay period shall be effective on the employment anniversary date or on the date the employee changes from non-exempt to exempt status.
- The maximum annual leave hours which may be accrued in a fiscal year shall be 320 hours. Annual leave hours within that limit may be carried forward from one fiscal year to the next. At the end of each fiscal leave year, all hours in excess of 320 hours shall be forfeited.


5. Upon termination of an employee, the employee will be paid any unused accrued annual leave. Up to 320 hours shall be paid at the employee's current pay rate, provided that the employee completed the final check-out procedure.

III. Definitions

There are no definitions associated with this policy

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.06
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Family Medical Leave of Absence		Applicability: All Employees
Reference(s):		

I. Policy

Eligible employees may be entitled to take a Family/Medical Leave of Absence (“FMLOA”) for specified family and medical reasons. Although FMLOA is unpaid, the College requires that employees use any available annual leave, sick leave, and Short-Term Disability benefits if applicable, concurrently with the FMLOA. If an employee taking FMLOA has available annual leave and/or sick leave, he/she must also comply with the procedural requirements pertaining to such leave. Please contact the Department of Human Resources if you have any questions.

II. Procedures

1. Eligibility

To be eligible for FMLOA, an employee (faculty or staff member employed by the College on a full-time, part-time or temporary basis) must have been employed by the College for at least twelve (12) months and have worked for at least 1,250 hours during the twelve (12) month period immediately preceding the start of the FMLOA. Periods of approved military leave should be counted when calculating these hours of service requirements for FMLOA. The employee must also be employed at a worksite of the College where fifty (50) or more employees are employed by the College within seventy-five (75) miles of that worksite.

2. Qualified Leave Reasons

The College will grant FMLOA to eligible employees for the following reasons:

- A. The employee's serious health condition;
- B. The birth and care of the employee's child;
- C. Placement with the employee of a child for adoption or foster care;
- D. Care of the employee's spouse/same-sex domestic partner, child, or parent with a serious health condition;
- E. Because of a "qualifying exigency" relating to the active-duty status or call to active-duty in the armed forces of a spouse/same-sex domestic partner, son, daughter, or parent of the employee, including but not limited to:
 - i. short-notice deployment;
 - ii. military events and related activities;
 - iii. to arrange for childcare, or provide childcare on an urgent basis, or for school activities;
 - iv. to make financial or legal arrangements;
 - v. to attend counseling;
 - vi. to spend time with the service member while on short-term leave; and
 - vii. for post-deployment activities.

- F. Because care is required for a family member or next of kin who is a member of the armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status on the temporary disability retired list, for a serious injury or illness.
 - G. Leave for the birth and care, or placement and care of a child must conclude within twelve (12) months of the birth or placement of the child. FMLOA applies equally to male and female employees.
3. Notice and Scheduling Requirements
- Employees seeking FMLOA leave should provide their supervisors and the College's Department of Human Resources at least thirty (30) days prior written notice of the proposed leave. Where advance notice is not possible, such as in the event of a medical emergency, notice should be given as soon as practicable. Within five (5) business days after receipt of the request for LOA, the Department of Human Resources will notify the employee if the request is designated as FMLOA.
- 4. In addition, an employee on FMLOA is required to contact the Department of Human Resources every thirty (30) calendar days. Failure to do so shall be considered voluntary termination.
 - 5. Employees using intermittent FMLOA or FMLOA on a reduced schedule must make a reasonable effort to avoid disrupting College operations, including scheduling doctor's appointments outside of work hours. An employee using intermittent FMLOA due to medical necessity should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the staff member's work day. A staff member must notify his/her supervisor on each day of absence unless other arrangements have been made.
 - 6. Failure to follow this policy may delay or postpone the commencement of the leave and/or result in disciplinary action. Please contact the Department of Human Resources for the applicable forms.
7. Notice to Staff Member
- When a staff member has proposed a leave, the supervisor is expected to notify the staff member, in writing, that the College is provisionally designating the leave as Family/Medical Leave of Absence.
8. Certification by Health Care Provider
- If FMLOA is based on a serious health condition, whether it involves the employee or a family member (parent, spouse/same-sex domestic partner or child), medical certification from a health care provider will be required. Failure to provide such certification may result in a delay of the employee's leave. Where the College requires an employee to provide a medical certification, that certification must be provided within twenty (20) calendar days of the College's request. Please contact your supervisor or the Department of Human Resources for available medical certification forms. Employees should be aware that the College may, under certain circumstances, require recertification of a medical condition. In addition, employees may be required to report on their intent to return to work. Whenever an employee learns of a change in the anticipated length of a FMLOA, the employee must notify the College within two (2) business days of learning of such a change.
- 9. If a leave request is based on a qualifying exigency due to active duty service or a call to active duty service, the employee may be required to provide a copy of the active duty order or other appropriate documentation, as well as certification and documentation from the employee

containing information supporting the qualifying exigency. When leave is taken to care for a covered service member, the employee may be required to provide certification from an authorized health care provider.

10. Employees using FMLOA are prohibited from working either in the workplace or at any other location, including the employee's home, whether for the College or otherwise. When returning to work from a leave taken because of the employee's own serious health condition, the employee will be required to provide a return to work note from the treating physician prior to reporting back to the workplace.

11. Length of Leave

Eligible employees may be entitled to up to twelve (12) weeks of unpaid leave as FMLOA during any 12-month period (which period is measured backward from the date an employee uses any FMLOA). Each time an employee takes a FMLOA, the remaining leave entitlement equals the balance of the 12 weeks that has not been used during the immediately preceding 12 months.

12. Where both spouses/same-sex domestic partners are employed by the College, they are each entitled to twelve (12) weeks of FMLOA for the birth and care of their newborn child, or for the care and placement with them of a child for adoption or foster care.
13. An eligible employee who is the spouse/same-sex domestic partner, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) workweeks of FMLOA during a twelve (12) month period to care for the service member. The leave in this paragraph shall only be available during a single twelve (12) month period, though that leave entitlement shall be applied on a per-covered-service member, per-injury basis.
14. In certain circumstances, employees may take intermittent FMLOA or FMLOA on a reduced leave schedule. Intermittent FMLOA or FMLOA on a reduced schedule for the birth and care or placement and care of a child for adoption or foster care will be allowed only with the College's prior written approval. Intermittent FMLOA or FMLOA on a reduced schedule may be taken whenever medically necessary to care for a seriously ill family member or because of the employee's own serious health condition.

15. Concurrent Use of Paid Leave

When an employee takes FMLOA because of the employee's own serious medical condition, the employee must concurrently use any unused annual leave, sick leave, or short-term disability leave during the (otherwise) unpaid FMLOA. Employees will only be paid for the time they have available not to exceed six (6) months or one hundred thirty-two (132) consecutive work days including sick leave, annual leave, and short-term disability, in that order.

Paid leave that is used concurrently with FMLOA taken for a serious health condition will be counted toward the 12 weeks of total available FMLOA.

16. Benefits During Leave

During any FMLOA, the College will maintain the employee's coverage under any group health plan on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The College and the employee will each continue to pay their portion of the benefit costs. In some instances, the College may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLOA leave on a prorated basis.

17. During a FMLOA, sick leave and annual leave will continue to accrue only during that portion of the LOA which is paid by using sick or annual leave. During any unpaid FMLOA, sick leave and annual leave will not accrue. For those persons returning from any unpaid FMLOA, accrual of annual leave and sick leave will resume the first of the month which follows or coincides with the date the individual returns to active work. Where the FMLOA is taken on an intermittent basis or as a reduced-schedule, sick leave and annual leave will continue to accrue during the LOA on a pro rata basis.

18. Return from Leave

Normally, employees returning from FMLOA leave will be reinstated to the same or an equivalent position, with equivalent pay, benefits and other terms and conditions of employment. However, at times, the College may restructure due to changing business and operational needs and the need to continually enhance programs and services. These restructuring initiatives may result in position discontinuations, even positions held by employees out on FMLOA or other types of leave. If the position held by a staff member on FMLOA is discontinued, he/she will be given at least thirty (30) business days' written notice of the position discontinuation and will be informed of any applicable benefits that he/she may be eligible to receive.

19. Failure to return to work upon the expiration of FMLOA or refusing an offer of reinstatement for which the employee is qualified upon the expiration of FMLOA will be considered voluntary termination.

20. Employees returning from FMLOA for a serious health condition must provide supervisors with a certification from a health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the FMLOA should notify their supervisor in writing at least two weeks in advance and must have the physician re-certify that the leave is medically necessary. Supervisors should contact the Department of Human Resources to discuss alternatives prior to taking any action if an employee is unable to return to work, has exhausted the 12 weeks of FMLOA and/or is out of other approved leave.

21. In addition, except as provided in this policy, an employee's use of FMLOA will not result in the loss of any employment benefit that the employee earned before using FMLOA. Use of FMLOA will not be counted against the employee under a "no fault" attendance policy.

22. Other Leave Arrangements

The determination of whether an employee qualifies for FMLOA will be made by the Department of Human Resources within five (5) business days after receipt of the request for FMLOA. If an employee is ineligible for FMLOA or has exhausted his/her 12 weeks, the employee may be entitled to a Personal LOA. Note that a LOA is subject to the sole approval of the College.

III. Definitions

1. Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves either:

- A. Inpatient care in a hospital, hospice or residential medical care facility, or
- B. continuing treatment by a health care provider.

2. Continuing Treatment

In broad terms, a period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there

from) of more than three (3) consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two or more times by a health care provider (within 30 days of the incapacity) or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision.

Any period of incapacity due to pregnancy or prenatal care.

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.).

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease).

Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

3. Parent

The biological, adoptive, step or foster mother or father of an employee or an individual who stands or stood in the place of a parent to an employee when the employee was a child.

4. Child

A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

5. Health Care Provider

A physician, dentist, podiatrist, clinical psychologist, or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.

6. Next of Kin

Nearest blood relative.

7. Covered Service Member


A member of the United States armed forces, National Guard, or Reserves.

8. Serious Injury or Illness

An injury or illness incurred by a covered service member in the line of duty on active duty that may render him/her unfit to perform the duties of his/her office, grade, rank, or rating.

IV. Form(s) and/or Equipment

1. Extended Leave of Absence Request Form

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.07
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Leave of Absence – Personal		Applicability: All Employees
Reference(s):		

I. Policy

A Leave of Absence (LOA) is an unpaid, authorized, temporary absence from the payroll, and includes both Personal Leave of Absence (“Personal LOA”) and Family/Medical Leave of Absence (“FMLOA”). LOA is granted by the College to guarantee employees’ continued employment.

If an employee finds that he/she must be out of work for more than 3 days, he/she should contact the Department of Human Resources to determine if a LOA may be necessary. The appropriate Administrator has the authority to approve/disapprove the LOA.

The maximum amount of LOA time an employee is allowed to take in any combination of LOAs (both Personal and Family/Medical) is 18 weeks in a 12 month time period measured backward from the date an employee begins a leave of absence (rolling period).

LOAs will start on the date of request or date of need; therefore, not after the exhaustion of Annual Leave. While on LOA, an employee must contact the Department of Human Resources at least every 30 days. Failure to contact the Department of Human Resources every 30 days may be considered voluntary termination. Failure to return to work upon the expiration of LOA or refusing an offer of reinstatement for which the employee is qualified will also be considered voluntary termination.

II. Procedures

Required Documentation – All requests for a Personal LOA must be made on an "Extended Leave of Absence Request Form and submitted to the immediate supervisor. An employee must provide thirty (30) calendar days advance notice when the need for the LOA is foreseeable. If the LOA is not foreseeable, the employee must provide notice to his/her appropriate Administrator as soon as practicable.

1. Approval

Both the Administrator and the Director of Human Resources will review the request. The Administrator will notify the employee as to whether the request was approved or the reason it was denied. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on LOA, except military reserve duty, are considered to have resigned voluntarily.

2. Job Benefits

The College will pay its portion of the cost of the employee's benefits including health, life and disability insurance benefits while an employee is on approved LOA. The employee must continue to pay his/her portion of the benefits which may be made by payroll deductions (when applicable) or by check which must be submitted to the Department of Human Resources each pay period unless other arrangements have been made. If the employee fails to pay his/her portion of the benefits for more than thirty (30) calendar days, the employee's coverage(s) will be terminated and he/she will be offered COBRA to continue benefits excluding life and disability insurance.


1. Extended Leave of Absence Request Form

- 3.** While on LOA, employees are required to use any accrued annual benefits until returning to work. After being absent from work for five (5) consecutive work days (or 7 calendar days), full-time employees may be eligible to receive short-term disability benefits, provided the necessary forms have been completed and submitted to the Department of Human Resources.
- 4.** No benefits will be accrued while an employee is on LOA. Except as otherwise provided by law, time spent on a leave of absence, except for military reserve duty, will not be counted as time employed in determining an employee's eligibility for benefits that accrue on the basis of length of employment.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.08
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Military Leave		Applicability: All Employees
Reference(s):		

I. Policy

Diné College policy protects the employment of employees who have voluntarily enlisted in or who have been inducted into or called to duty by the uniformed services of the United States. The protections include leave of absence for training/active duty and continuation and restoration of certain benefits.

II. Procedures

1. 15-day Paid Leave

An eligible employee is entitled to a paid leave of absence for military service. The employee receives pay for all scheduled workdays during the service period.

- A. This paid leave will start on the first date shown on the military order and will continue until 15 consecutive workdays have elapsed – or until the employee returns to work – whichever occurs first.
- B. Paid leave will not exceed 15 paid days in any military year (October 1, through September 30).

2. Weekend Training

Normally, the paid military leave of absence does not apply to training drills regularly scheduled on the weekend. To receive pay for weekend drills, an employee must meet all three criteria listed below. Any such paid time will be deducted from the 15-day paid leave annual allotment.

- A. The employee's regular work schedule must include Saturdays or Sundays.
- B. The employee must be scheduled to work the weekend of the training.
- C. The employee must be ordered for military training.

3. Service in Excess of 15 days

If an employee incurs absences for more than 15 days service, he/she may go on a leave of absence, separate, or charge the absence to accrued annual leave until annual leave is exhausted. When the employee has used all accrued annual leave, he/she is to go on a leave of absence or separate.

4. Submitting military service orders with the payroll voucher

- A. An employee should submit written military orders to his/her department in advance of the absence or as soon as they are available.
- B. Departments must indicate the number of hours charged to military service.

5. Extended Active Military Duty

- A. As soon as a supervisor or department head is informed or becomes aware that an employee is going to leave or has left for military service, the appropriate Administrator must consult with the Department of Human Resources to ensure College compliance with this policy.
- B. A military leave of absence without pay shall be granted for an employee in a position other than one that is temporary. Temporary positions are defined as those that exist for a brief, non-recurrent period with no reasonable expectation that the employment would have continued for a significant period. An employee must provide his/her supervisor with documentation of his/her upcoming period of service as proof that the leave of absence is necessary because of such service.
- C. To be eligible, an employee must meet one of the following criteria:
 - i. The employee is inducted through Selective Service.
 - ii. The employee enlists voluntarily.
 - iii. The employee is called through membership in the uniformed services.
- D. The limit on the cumulative time away from work at the College for military service and still retain re-employment rights is five (5) years.
- E. The military leave of absence covers the dates that the employee is actively performing service. The five-year limit may also extend to a later date when the employee is able to obtain a release from active duty. Time between completing the uniformed service and reporting back to work or requesting to return does not count against the five (5) year limit. The law provides for other exceptions which are to be discussed with the Department of Human Resources if a case arises.
- F. An employee who completes a period of uniformed service and requests (orally or in writing) to return to work is to be returned within two weeks of the request if he/she meets the following criteria:
 - i. The employee was discharged from or completed the period of military service under honorable conditions.
 - ii. The employee requests to return to work within the following time limits:
 - a. If the employee serves for less than thirty-one (31) calendar days, the employee must apply to return to work at the beginning of the first regularly scheduled workday after release from duty.
 - b. If the employee serves between thirty-one (31) calendar days through one-hundred eighty (180) calendar days, the employee must apply to return to work no later than fourteen (14) calendar days after release from duty.
 - c. If the employee serves over one-hundred eighty (180) days, the employee must apply to return to work no later than ninety (90) calendar days after release from duty.
 - iii. The cumulative period of time away from the College in military service does not exceed five years.
- G. The employee meeting these criteria shall be returned to the status that he/she would have enjoyed with reasonable certainty had the military absence not occurred. This includes the completion of any evaluation period that would have expired during this time.
- H. The right to return to work exists whether the employee was placed on a leave of absence or separated employment for military service.

- I. An employee returned to work pursuant to this policy may not be terminated except for cause for one-hundred eighty (180) calendar days after his/her date of return if the most recent period of uniformed service was less than one-hundred eighty-one (181) calendar days or for one (1) year after the date of return if the most recent period of uniformed service was more than one-hundred eighty (180) calendar days.
- J. An employee requesting to return to work who did not have an honorable discharge will be reviewed on an individual basis.
- K. The College is not required to re-employ a person after military leave if:
 - i. The College's circumstances have so changed as to make such re-employment impossible or unreasonable;
 - ii. Such re-employment would impose an undue hardship upon the College; or
 - iii. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurring period.

III. Definitions

1. Uniformed Services

Are defined as the Armed Forces; the National Guard; the commissioned corps of the Public Health Service; and, for federal law coverage only, service as an intermittent disaster response appointee upon federal activation of the National Disaster Medical System (NDMS) or attending NDMS authorized training in support of its federal mission.

2. Active Duty


Is full-time service on active duty orders in the armed forces of the United States or any National Guard for a period that exceeds eighty-nine (89) consecutive calendar days.

3. Armed Force of the United States

The active or reserve components of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Merchant Marine.

IV. Form(s) and/or Equipment

1. Extended Leave of Absence Request Form

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.09
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Jury Duty/Court Appearance		Applicability: All Employees
Reference(s):		

I. Policy

The College recognizes an employee's responsibility, when subpoenaed, to serve on a jury or to testify as a witness.

II. Procedures


1. The employee will receive his/her regular paycheck while on approved jury duty and does not have to return the jury duty payment. Time spent on jury duty will count towards the scheduled work week, except for hourly-paid temporary staff. Hourly-paid temporary staff is only paid for actual hours worked at the College.
2. When an employee is subpoenaed or requested to testify as a witness in a case related to the employee's employment at the College, he/she will be compensated for that time away from work.
3. When called as a juror or witness, the employee should immediately notify his/her supervisor. If the jury obligation is less than three (3) hours in a day, the employee must report for the rest of his/her work shift.
4. Employees who work an evening or night shift, and are scheduled to report for jury duty the next morning, will be excused from, and paid for, that shift. If the employee spends more than three (3) hours in jury duty, he/she will be excused from his/her next shift if the shift occurs within twenty-four (24) hours of jury duty service.
5. Employees who appear in court on their own behalf, or who are subpoenaed for matters unrelated to the employee's employment at the College, must use accrued annual leave. If accrued annual leave is not available, the employee must request a personal leave of absence which will be unpaid.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.10
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Election Day Leave		Applicability: All Employees
Reference(s):		

I. Policy

Registered voters may receive authorization for up to two (2) hours paid absence from work to vote in a Navajo Nation, local, state or federal election. The length of absence will be granted at the discretion of the immediate supervisor.

II. Procedures


1. Employees required to vote at a poll remote from their workstations may request an extension of the 2-hour limit. Any granted extended time beyond the 2-hour limit will be charged to the employee's annual leave. The total time allowed may not exceed 8 hours.
 - A. Before requesting paid leave, employees are required to confirm that the requested leave is available by checking the available leave balances.
 - B. The employee will submit a leave request and the total hours to be taken from the designated leave category.
 - C. The supervisor will confirm that the employee has the leave available before approving a request for paid leave in excess of two (2) hours.
 - D. If the leave is not approved, the supervisor will provide the employee the reason the leave was not approved.
 - E. To assist with scheduling and operational requirements, all foreseeable leave must be requested at least two (2) weeks prior to the requested leave date.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Leave Policies: Section 7.11
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Administrative Leave		Applicability: All Employees
Reference(s):		

I. Policy

An employee may be placed on paid administrative leave initiated by the department/school administrator, which is paid, upon approval of the appropriate Vice President or Provost.

Examples of when an employee may be placed on administrative leave include, but are not limited to, internal reviews or investigations and College-related cultural services, events and ceremonies. Under no circumstances is administrative leave considered a disciplinary action.

II. Procedures


1. An administrator who believes one of his/her staff should be placed on administrative leave will submit a request to place that employee on administrative leave and provide justification and supporting documents to the appropriate Vice President.
2. The Vice President shall consult with Director of the Human Resources about the request. The Vice President will make the final decision about whether and for how long the employee should be placed on administrative leave.
3. Upon approval, the employee will be placed on administrative leave for a period not to exceed thirty (30) working days; however, an extension may be requested by the administrator through the approval of the appropriate Vice President.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Discipline/Grievance: Section 8.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Disclaimer		Applicability: All Employees
Reference(s):		

I. Policy

It is neither possible nor desirable for the College to list every possible act or failure to act that may result in discipline for an employee. Therefore, the disciplinary procedures set forth herein is a general guide to employee discipline.

While the appropriate Administrator achieves to maintain fair practices with all employees, unusual or particular circumstances may warrant or require the Administrator to take action, or fail to take action, in a manner different from that described in this manual or used in other situations. Management; therefore, reserves the right to evaluate circumstances or conditions of each employee on a case-by-case basis and apply discipline accordingly.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associate with this policy.

	Personnel Policies and Procedures Manual		Discipline/Grievance: Section 8.02
			Adoption Date: 07-31-2019 Effective Date: 09-02-2019
	Policy: Guidance for Consequences		Applicability: All Employees
Reference(s):			

I. Policy

Administrators must exercise judgment when imposing penalties for misconduct, as mitigating or aggravating circumstances may warrant lesser or more severe penalties.

To determine mitigating circumstances, a supervisor shall consider the employee's work performance, recognition for outstanding work, contributions to the College, lack of disciplinary record, degree of fault of the employee, willingness of the employee to accept responsibility for the misconduct, and other similar factors favorable to the employee.

To determine aggravating circumstances, a supervisor shall consider the employee's work performance, prior misconduct, injury or property damage resulting from misconduct, exposure of the College to liability, effect on morale of employees, breach of ethical responsibilities, whether the misconduct is unlawful, and other factors making misconduct more injurious to the College.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Discipline/Grievance: Section 8.03
	Policy: Disciplinary Action		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Reference(s):		Applicability: All Employees	

I. Policy

The purpose of disciplinary action is to communicate and document performance concerns or policy violations in an effort to correct performance or discipline employees if performance is not corrected and sustained. An individual discussion is strongly recommended to assist the employee to improve work performance or comply with policies and procedures. Discussion should be a cooperative attempt at identifying and correcting performance problems. Supervisors need to document the discussion with the employee.

An employee is required to abide by the established rules and policies of his/her department, the College and the Board of Regents.

Since the College emphasizes the constructive aspect of disciplinary procedures, a supervisor has the responsibility of outlining departmental policies and performance expectations. The supervisor should advise an employee on any aspect of work performance that fails to meet standards and provide an opportunity for improvement. With the exception of gross misconduct, a supervisor will initiate a disciplinary action only after addressing performance concerns with the employee, allowing the employee an opportunity for self-correction, and finding that performance remains unsatisfactory. Accordingly, such a supervisory action should be appropriate to the seriousness of the infraction or the performance deficiency

II. Procedures

1. Progressive Disciplinary

Diné College has adopted progressive disciplinary procedures. These are a series of disciplinary actions that are corrective in nature and are taken to provide employees the opportunity to improve job performance and abide by College policies. Such actions range from providing a verbal warning to separation of employment when deemed appropriate by the appropriate Administrator.

- A. Termination is appropriate only where there is “substantial misconduct,” with concurrence of the Director of Human Resources. It is recognized that in cases of “gross misconduct,” serious disciplinary measure, including separation of employment, without prior discipline may be imposed.
 - B. Except in cases of “gross misconduct” as described below, all disciplinary actions should follow progressive disciplinary procedures as appropriate. It is recognized that certain infractions may warrant the imposition of serious disciplinary measures, including termination, without prior discipline having been imposed.
2. A Department/School/Division Administrator is authorized to take actions, including reprimand, suspension, demotion, or separation of employment, subject to the guidelines of this policy. All disciplinary actions taken should be proportionate to the offending conduct. For example, a reprimand may be suitable for a minor policy infraction, but separation of employment may be appropriate in a case of gross misconduct. Violations of College policy

against discrimination and sexual misconduct will result in specific disciplinary measures, which may include separation of employment.

3. Types of Pre-Disciplinary Action

- A. A verbal warning is a documented verbal warning of the current problem and may lead to future disciplinary action if improvement does not occur. A verbal warning is not subject to the grievance procedure by an employee, since no punitive action has been taken.

Verbal warnings should be given in a respectful manner with the intent of facilitating a positive employer-employee relationship, encouraging the warned employee's personal accountability and self-correction. The supervisor giving the warning should clearly identify the problems created by the employee's conduct and to the extent practical allow the counseled employee to choose to adopt the action necessary to remedy the problem.

- B. A written warning is used for failure to meet job requirements or violations of rules and/or policies, or when the employee has failed to correct his/her conduct in response to the verbal warning. Written warnings shall specify the performance concerns and what action is required to correct them.

A written warning shall explicitly state that it is a "written warning" and the supervisor will provide a copy to the employee and retain a copy in the department file. This letter will not become part of the employee's official personnel file maintained by the Department of Human Resources. A warning is not subject to the grievance procedure by an employee, since no punitive action has been taken.

4. Types of Disciplinary Action

- A. A written reprimand is the least severe form of disciplinary action and is typically given after a written warning or other performance feedback has failed to improve the employee's conduct or performance. It may be appropriate to use this form of discipline without prior warnings in certain circumstances. A written reprimand is different from a written warning in that a copy is placed in the employee's official personnel file in the Department of Human Resources and a reprimand is subject to the grievance policy.

- B. Disciplinary Suspension is the temporary release of an employee from duty. It is applicable when a violation or violations of applicable rules or policies are serious enough to warrant suspension.

A disciplinary suspension should be applied in proportion to the significance of the offense but shall not exceed fifteen (15) consecutive work days. An employee does not receive pay for periods of disciplinary suspension; however, benefit programs continue in force. This action is subject to the grievance policy and must be approved by the Department Administrator.

- C. Involuntary Demotion is the reassigning of an employee to a lower position at a lower grade as the result of disciplinary action and must be approved by the Department Administrator. This action is subject to the grievance policy.

- D. Dismissal, the involuntary separation of employment, is the most serious form of discipline. Prior to making a final decision to dismiss an employee, the Department Administrator must have the concurrence of the Director of Human Resources. This action is subject to the grievance policy.

5. Disciplinary Conference

Before a non-probationary employee is disciplined, the appropriate administrator is strongly encouraged to hold a pre-disciplinary conference. A pre-disciplinary conference is not required

for verbal or written warnings. Department Administrators will consult with the Department of Human Resources prior to holding a pre-disciplinary conference.

A pre-disciplinary conference is a meeting in which the Department Administrator informs the employee of possible disciplinary action, considers the employee's input about performance and possible disciplinary action and renders a decision to the employee verbally and in writing.

During the pre-disciplinary conference, the employee is allowed to:

- A. Correct any errors in the information or facts upon which it proposes to take disciplinary action; and
- B. Tell his/her side of the story and present any mitigating information as to why the disciplinary action should not be taken.
- C. Since a disciplinary conference is not an administrative hearing, witness testimony is not allowed.
- D. Although the employee may request the presence of a representative at the disciplinary conference, the employee's representative is only allowed to observe, not actively participate in the disciplinary conference. Upon completion of the disciplinary conference, a summary of the conference should be completed and forwarded to the Department of Human Resources, with a copy maintained by the administrator and the employee.

6. Notification of Disciplinary Action

At the time disciplinary action is taken, the employee shall be notified in writing. The contents of the disciplinary notice shall contain:

- A. An appropriate identification of the employee, including position, title and department.
- B. The date(s) on which the unsatisfactory performance, violation or misconduct occurred, or the period of time when the acts occurred if such acts were of a continuing nature.
- C. If the misconduct is referenced in the Table of Consequences, a specification of the misconduct committed and the applicable penalty.
- D. A clear and concise statement of the facts supporting the disciplinary notice, including policies violated, and whether the misconduct is simple, serious, or aggravated as defined herein, together with witnesses interviewed and documents reviewed.
- E. A clear and concise statement of the disciplinary action(s) and/or penalty imposed including a statement of the mitigating and aggravating circumstances supporting such action. It is possible, in certain situations, to apply more than one form of disciplinary action at a time.
- F. An explanation of the employee's right to grieve the disciplinary action according to the grievance policy, if the employee has appeal rights pursuant to this policy.


III. Definitions

1. Gross Misconduct

Means any conduct engaged in by an employee that violate these policies or the law and imposes an immediate threat to the physical or emotional safety and well-being to an individual or individuals in the College community.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associate with this policy.

	Personnel Policies and Procedures Manual	Discipline/Grievance: Section 8.04
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Table of Consequences		Applicability: All Employees
Reference(s):		

I. Policy

The Table of Consequences (Table) is a guide for disciplinary action. Depending on the severity of the violation, more severe penalties may be imposed where warranted.

II. Procedures

1. Guidance on Table of Consequences

- A. The Table is a listing of standard consequences for some of the possible violations. The Table is intended to be used as a guide, only in an effort to assure consistency of penalties for like violations. The Nature of Misconduct section sets forth general categories of violations and is not intended to be all-inclusive, nor does it address every disciplinary situation.
- B. The Table does not preclude the exercise of supervisory judgment in imposing penalties for misconduct, as mitigating or aggravating circumstances may warrant lesser or more severe penalties than called for in the Table. However, deviation from the standard penalty will require written justification. Violations need not be identical in order to warrant progressively more severe disciplinary action. For example, an employee who has received a warning for unauthorized absence can receive a reprimand for sleeping on duty, and possibly be suspended or removed for a third violation unrelated to the two previous violations. Likewise, when a combination or series of violations have been committed, a greater penalty than is listed for a single violation is appropriate.
- C. The Table lists only formal disciplinary actions (i.e., those, which become a matter of record in the employee's official personnel folder). Although prior verbal and/or written counseling are not considered formal disciplinary actions, such counseling may be considered when assessing the appropriate penalty for a particular offense.
- D. The Table does not cover all violations for which disciplinary penalties may be imposed. The Table is an illustration of possible disciplinary penalties that could be imposed. Remedial action will be taken whenever required by policy or regulation or whenever warranted by the facts in the individual case. Normally, progressively more severe penalties will be administered, unless the aggravating circumstances warrant immediate separation of employment.


2. Table of Consequences

See Table of Consequences

No.	Nature and Level of Misconduct	Simple	Serious	Aggravated
1	Unexcused tardiness, absence; leaving the job to which assigned during work hours without permission or before the end of duty.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
2	Misuse of leave; failure to request leave in advance; unscheduled absences; failure to provide acceptable medical certification to justify medical leave requests.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
3	Loafing, willful idleness, wasting of time; taking excessively long breaks; sleeping.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
4	Any act through negligence or purposely damaging or destroying College property.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
5	Unprofessional or discourteous conduct toward supervisors, employees, subordinates, public or other officials; use of foul language; angry outbursts; disrespectful comments; provoking quarrels; inappropriate remarks; use of abusive language or offensive language; quarreling or inciting to quarrel.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
6	Maintaining outside employment or business during work hours without prior written authorization on file with DHR and administrator approval.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
7	Failure to respond to or cooperate with investigations or other administrative inquiries; failure to provide requested documents.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
8	Promotion or participation in, or assistance in operation of organized gambling on duty or on College premises.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
9	Insubordination, refusal to comply with adequate instruction or disregard of directives or regulations. Refusing to do assigned work; failure to do assigned work; carelessness in performing assigned work.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
10	Failure to safeguard student information in compliance with FERPA Laws	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
11	Neglect of Duty; e.g. failure to complete Performance Evaluation.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
12	Failure to comply with or enforce any policy.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
13	Failure to respond to a valid customer service request while on regular duty.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
14	Failure to comply with computer, e-mail, and communication device policy.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment

15	Creating a hostile working environment.	Letter of Reprimand	1-15 Day Suspension	Separation of Employment
16	Discriminatory Harassment and/or Sexual Misconduct.		1-15 Day Suspension	Separation of Employment
17	Violating traffic regulations or reckless driving or improper operation while driving any vehicle while on College business.		1-15 Day Suspension	Separation of Employment
18	Taking College equipment; using a co-worker's personal property without permission; stealing; improper acceptance of reimbursement for such things as per diem, mileage and airplane tickets.		1-15 Day Suspension	Separation of Employment
19	Failure to safeguard confidential information contrary or harmful to the best interest of the College.		1-15 Day Suspension	Separation of Employment
20	Off-duty misconduct such that the employee is unable to fulfill his/her job responsibilities; off-duty misconduct of such significance that there is adverse effect on the College.		1-15 Day Suspension	Separation of Employment
21	Failure to report notification of traffic offenses or convictions; failure to maintain valid license and/or certifications.		1-15 Day Suspension	Separation of Employment
22	Failure to self-disclose the post-employment suspension or revocation of a driver's license to DHR within 3 business days.		1-15 Day Suspension	Separation of Employment
23	Threatening, bodily harm, physical resistance to responsible authority; creating a disturbance, engaging in dangerous horseplay.		1-15 Day Suspension	Separation of Employment
24	Using a College vehicle of any kind for personal business or unauthorized purposes.		1-15 Day Suspension	Separation of Employment
25	Failure to comply with safety rules & regulations by putting oneself or others at risk, carelessness, failure to observe posted signs or practices, including failure to use safety equipment such as seat belts, eye protection devices, hard hats, protective hearing devices and failure to report on the job incurred personal injury or accidents.		1-15 Day Suspension	Separation of Employment
26	Knowingly accepting gifts or gratuities in violation of Navajo Nation ethics laws and College procurement policies.		1-15 Day Suspension	Separation of Employment
27	Falsification, misrepresentation, or concealment of material fact in connection with work, or in any record or investigation or other proper proceedings, including financial records, travel, vouchers, time and attendance records.		1-15 Day Suspension	Separation of Employment

28	Concealing, removing, mutilating, obliterating, or destroying College records or documents without authorization.		1-15 Day Suspension	Separation of Employment
29	Violation of the College's Drug/Alcohol Policy including sales, possession, transfer or use of illegal drugs, alcohol or other controlled substances on College premises or during duty hours.		1-15 Day Suspension	Separation of Employment
30	Physical fighting and inflicting bodily harm.			Separation of Employment
31	Taking College funds and using the College credit card for personal purchases.			Separation of Employment
32	Conviction under Navajo Nation, state, or federal criminal statutes.			Separation of Employment
33	Failure of an employee to self-disclose post-employment criminal convictions or felony charges filed against him/her to HRD within 3 business days of the conviction or charge.			Separation of Employment
34	Falsification, misrepresentation or omission of fact in connection with application for employment or other personal history record.			Separation of Employment
35	Job abandonment: being absent from work for 3 consecutive workdays and failing to contact one's immediate supervisor.			Separation of Employment
36	Knowingly or negligently endangering the physical well-being of another individual			Separation of Employment
37	Obligating the College monetarily without proper authorization.			Separation of Employment

	Personnel Policies and Procedures Manual	Discipline/Grievance: Section 8.05
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Grievance		Applicability: All Employees
Reference(s):		

I. Policy

It is the policy of the College that any employment shall be construed in accordance with statutory laws of the Navajo Nation as herein set forth; therefore, any suit or complaint against the College shall be made before the Office of Navajo Labor Relations and/or the Navajo Nation courts that shall have sole and exclusive jurisdiction over any disputes arising hereunder or herein.

The purpose of the grievance policy is to provide an employee with an opportunity to state his/her case and attempt to obtain a resolution when the employee believes he/she has been the subject of a violation of the College's policy for which the College can provide a remedy and provide the employee an opportunity to resolve current work-related disputes when the employee believes that the employee has been wrongfully accused of violating College policy, including the Table of Consequences. This policy provides a process by which the employee is allowed to seek equitable means for a resolution of employee/employer problems.

1. Prohibition Against Retaliation

Retaliation against an employee for raising an issue or participating in any way in dispute resolution under this policy is strictly forbidden. Any employee found retaliating against another employee shall be cause for disciplinary action.

2. Confidentiality

Information obtained by the Department Human Resources staff in the course of facilitation, informal attempts at resolution, or other activities is confidential to the extent allowed by Navajo Nation law. At the initial visit, the Director of Human Resources will explain any limitations to confidentiality before discussing specific issues.

3. Supervisory Responsibility

Supervisors at all levels are responsible for resolving work-related issues and problems in an appropriate, fair, and prompt manner as soon as reasonably possible after becoming aware of the issues or problems. Supervisors are encouraged to employ K'é measures when addressing issues with employees. This includes, where practicable, employing tactics that facilitate a positive employer-employee relationship. For example, verbal warnings should be given where possible. During these verbal warning session, the supervisor should clearly and respectfully identify the problem caused by the employee's conduct and leave it up to the employee to identify what measures she or he should take to self-correct. Supervisors are not required to employ these measures and should proceed immediately to disciplinary action in cases where immediate action is required to prevent or stop conduct that places individuals or the College community at risk of physical, financial, or emotional harm.

4. Employee Responsibility

Employees need to resolve work-related issues or problems as soon as reasonably possible. The immediate supervisor is a resource to help resolve problems. However, if the supervisor is part of the problem, the employee can speak with the Director of Human Resources.

5. Director of Human Resources Responsibility

The Director of Human Resources or designated Human Resources staff member will make necessary arrangements to initiate a peacemaking effort to resolve the work-related issues involving alleged policy violation and provide guidance to both the employee and the supervisor.

6. Non-Grievable Claims

- A. Rejected applicant for employment.
- B. Disciplinary measures taken for discrimination and/or discriminatory harassment.
- C. Disciplinary measures taken for sexual misconduct.
- D. Performance evaluations.
- E. Job classification and compensation, including compensation adjustment.
- F. Verbal or written results of performance feedback sessions with the supervisor.
- G. Termination of employees during their initial probation.
- H. Non-retention of employees at the expiration of temporary employment.
- I. Actions grieved after resignation.
- J. Letters of reprimand are grievable only with the department/school administrator.
- K. Refusal to test for drug and alcohol use.

II. Procedures

The grievance must be brought to the attention of the appropriate individuals within the timelines specified in these procedures or the grievance will not be considered. Informal discussions between the parties at all levels of the College should occur in good faith to attempt to resolve the dispute. Before any initial dispute resolution steps occur, the Supervisor, depending on the severity of the violation, may have a counseling meeting with the employee in regard to policy violations that have occurred with the employee (Disciplinary Conference).

1. Step 1: Informal discussion with supervisor

Employee concerns should first be discussed with the employee's immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue.

2. Step 2: Written Complaint to Department/School Administrator

If the employee is not satisfied with the results of the informal discussion in Step 1, the employee may submit a written complaint within five (5) working days to his or her department/school administrator after conclusion of the informal discussion should include:

- A. The nature of the grievance.
- B. Detailed information including evidence of the issue, witnesses, related policies, etc.
- C. The remedy or outcome desired.

The administrator will have five (5) working days to respond to the employee in writing.

Note: If the employee complaint is regarding illegal harassment, discrimination or retaliation, the complaint shall be forwarded directly to the Department of Human Resources.

3. Step 3: Written Complaint to Vice President/Provost

If the employee is not satisfied with the response from the Administrator, the employee may submit a written complaint to the Vice President/Provost for review including a copy to be sent to the Department Human Resources. The request for review should include:

- A. An explanation of the grievance and details of all previous efforts to resolve the issue.
- B. A copy of the written complaint submitted to the Administrator.
- C. A copy of the Administrator's written response to the employee's complaint.
- D. Detailed information regarding the employee's dissatisfaction with the Administrator's response.

The Vice President/Provost will consult with the employee's immediate supervisor, Department/School Administrator, Human Resources and any other relevant parties to evaluate the grievance and provide a written response to the employee within five (5) working days. The outcome of the review by the Vice President/Provost will be final unless new evidence or other circumstances warrant additional review of the complaint.

4. Step: 4

If the employee is not satisfied with the response from the Vice President/Provost, the employee may submit a request for Peacemaking to the Department of Human Resources. The Department of Human Resources will coordinate the Peacemaking process and find a Peacemaker within ten (10) working days. If additional time is needed, the Director of Human Resources or designated staff will notify the employee.

The Director of Human Resources and College President will represent the Diné College at the Peacemaking Hearing.

5. Appeals External to the College


Any subsequent complaints or appeals made to external entities i.e. Office of Navajo Labor Relations, during the grievance process will stop the process.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Records: Section 9.01
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Personnel File		Applicability: All Employees
Reference(s):		

I. Policy

Except where otherwise provided by the Navajo Nation Code, employee files are maintained by the Department of Human Resources and are confidential. Supervisors, Administrators, and the Director of Human Resources may have access to personnel file information on a need-to-know basis. For example an Administrator considering the hire of a former employee or transfer of a current employee may be granted access to the file.

Personnel files are to be reviewed in the Department of Human Resources and kept in a fireproof file. Employees may examine their own personnel files. Personnel files may not be taken outside of the department. An employee may request copies of his/her personnel file or parts thereof.

Representatives of law enforcement agencies, in the course of their business and with proper legal documentation, may be allowed access to file information. This decision will be made at the discretion of the Director of Human Resources in response to the request, a legal subpoena, and/or court order.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Records: Section 9.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Release of Employee Information		Applicability: All Employees
Reference(s):		

I. Policy

Diné College maintains strict confidentiality of employee records. However, operating requirements of the college, Navajo Nation law, federal, and/or state laws or regulations may necessitate disclosure of employee information. The purpose of this policy is to outline some of the circumstances in which employee information will be disclosed to external organizations.

1. Garnishments/Levies/Support Orders

Upon receipt of a properly authorized request to release information or initiate deductions from employee pay, the College will release salary or wage information and begin deductions from pay.

2. Lenders/Credit Organizations

Upon receipt of an authorized request and employee's consent in writing, the College will release information to lenders or credit organizations. The College will not respond to any telephone requests for such information.

3. Prospective Employers

The College will provide the following information on request to prospective employers for reference purposes:

- A. Job title(s) held
- B. Dates of employment
- C. Hours worked
- D. Earnings at Separation of Employment
- E. Reason for Separation of Employment
 - i. Involuntary Separation of Employment
 - ii. Voluntary Resignation
- F. Whether the employee is eligible for rehire with the College.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Records: Section 9.03
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Release/Examination of Student Records		Applicability: All Employees
Reference(s):		

I. Policy

The Director of Enrollment Management is the custodian of the College's student records.

The examination of documents contained in a student record and/or release of student information shall be in accordance with College policy and the Family Educational Rights and Privacy Act (FERPA). A current official procedure is maintained by the Director of Enrollment Management.

Employees who are requested to release student information should consult with the office of the Director of Enrollment Services before doing so to ensure that appropriate policies and procedures are followed.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Other Policies: Section 10.01
			Adoption Date: 07-31-2019 Effective Date: 09-02-2019
	Policy: Intellectual Property Rights		Applicability: All Employees
Reference(s):			

I. Policy

The College recognizes that employees, as part of their normal teaching and other scholarly activities, may develop materials, which, in the interest of the author and the College, should be protected by copyrights. Accordingly, it is considered desirable to provide policies and procedures that; (1) Assist faculty and staff in realizing tangible benefits from their creative efforts; (2) Establish guidelines for defining the rights of ownership to materials produced by faculty or staff; and (3) Ensure control of use, within the College structure, of curriculum material developed at the College by a faculty or staff member.

II. Procedures

1. General Principles

This policy is applicable to all units of the College including its departments, divisions, programs, laboratories, academies, centers, and institutes and to all College employees including faculty, instructors, and staff. Employees receiving salaries or other remuneration from the College, including part-time employees, student employees, College employees on sabbatical who receive remuneration from the College, and employees on a leave of absence who are using substantial College resources are bound by this policy. The Provost is the College Administrator who is authorized to approve exemptions to individuals bound by this policy.

Students are covered under this policy under the following circumstances. A student who is not employed by the College or has not used substantial College resources to develop educational materials, will own the materials she or he creates, unless the student's work is part of a larger work over which the College has rights and intends to exercise them. Students who hold awards such as scholarships or fellowships through the College on which a funding body has placed restrictions as to intellectual property of educational materials developed during the course of the award will be bound by this policy.

A. Substantial Use of Resources

The use of College resources that goes above and beyond those that are customarily and currently provided to College employees. College resources include such things as equipment, staff support, supplemental pay, and offloading from regular duties. Decisions about whether use of these resources is "substantial" or "customary and current" shall be determined by the department/academic unit or school. The College does not assign its interests in the intellectual property created by College employees making substantial use of College resources.

B. Education Materials

While current copyright law generally allocates ownership rights to the College as an employer, the College agrees to make no ownership claims on intellectual property by the person or people who create Education Materials, except under the special circumstances as described in this policy. This policy shall act as an assignment of all copyrights in scholarly and artistic work such as, but not limited to, textbooks, electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art and

unpublished manuscripts, as the sole and exclusive property of the person or people who create Educational Materials. Exceptions are:

- i. Those cases in which the production of such materials is part of sponsored programs;
- ii. Those cases in which the materials are created under the specifically assigned duties of employees other than faculty;
- iii. Those cases in which substantial College resources were used in creating educational materials; and
- iv. Those cases which are specifically commissioned by the College contract or done as part of an explicitly designated assignment other than normal faculty scholarly pursuits.

If, during the preparation of the material, the College incurs significant costs supported by salary, equipment, College resources or other operational expenses, the author must reimburse the College for these costs in order to obtain full equity in the copyright.\

In cases where it is not clear whether or not these exemptions apply, creators are strongly encouraged to pursue a negotiated written agreement as stipulated in Section (H) below.

C. Rights to Educational Materials

Rights of the person or people who create Educational Materials created for classroom and learning programs, including electronic media, such as syllabi, assignments, and tests, shall be the property of the creator.

D. Rights of the College

While the person or people who create Educational Materials shall own the rights to all Educational Materials developed pursuant to this policy, the College shall be permitted to use such Educational Materials for administrative purposes, such as satisfying requests of accreditation agencies for faculty-authored syllabi, assessments and course descriptions. Such usage shall extend beyond employment with the College.

E. Copyright of Professional Journals and Books

Consistent with the terms of this policy, the College assigns any interest and ownership claims on publication of research and/or other scholarly materials and activities that typically occur in professional/academic journals, books, and other professional resources. Nothing in this policy shall be construed to restrict or constrain these actions.

F. Duty to Disclose and Reporting Requirements

Any person formally affiliated with the College shall be obligated to report in a timely manner any efforts to create educational materials that might fall under the authority of any College policies. Such reporting shall be to the direct supervisor, and, if deemed appropriate by the supervisor, to the Provost

G. Designation of responsible authority

The College President shall designate one or more individuals at the campus level who shall be responsible for undertaking an initial assessment of any matters relating to Educational Materials, including making a determination as to whether substantial College resources have been used, and whether a negotiated agreement is necessary. Such designee shall seek out appropriate assistance and expertise from departments as may be necessary and shall be responsible for developing any such written agreement. The President shall

further designate a central campus repository for all Educational Material matters, including written agreements and the disposition of any Educational Material matters.

H. Negotiated Written Agreements

If substantial College resources are used, or their use is anticipated, at any point in the creation of educational materials, then a negotiated written agreement must be signed by the creator(s) and a designated representative from the campus where the educational materials shall be created. It is the responsibility of the creator to seek clarification of whether the resources being used in the development of educational materials constitute "substantial use of College resources." If so, the creator shall negotiate a written agreement with the College.

"Substantial use of College resources" in and of itself does not require that ownership rights be automatically shifted to the College. However, depending on the terms of the negotiated contract, "substantial use of College resources" may result in an obligation to share revenues, reimburse the College, or confer a license. Ownership rights specified in this policy may be altered by mutual agreement.

I. Multiple Parties

If more than one party is responsible for creating specific educational materials, a negotiated written agreement signed by all creators and the College shall be required. That agreement shall specify (1) the rights of each party to use, distribute, and sell the materials; and (2) the division of revenues between the parties. Parties may include but are not limited to individuals, research teams, external funding agencies, the College, etc.

2. Discoveries and Patents for Their Protection and Commercialization

Fostering social responsibility, community service, and scholarly research that contribute to the social, economic and cultural well-being of the Navajo Nation is a fundamental mission for the College. The creative environment of the College is conducive to the development of intellectual property. A clear and concise policy enhances the environment for development and commercialization of intellectual property such as inventions, patents and software.

In this policy the College reaffirms its commitment to academic freedom. The College also encourages and rewards its discoverers and innovators who benefit society and who create significant economic resources for themselves, their research programs and the College.

A. Disclosure

United States patent law permits the filing of a patent application within one year of publication; however, under foreign patent law, any public disclosure disqualifies the invention or discovery from patent protection. Therefore, to protect academic priority as well as commercial priority, any inventor making any invention or discovery subject to this policy is encouraged to report it promptly in writing and in reasonable detail to the Provost, preferably within 30 days of making the invention or discovery. Public disclosure of the research results may affect patent rights.

B. College Ownership Rights

All inventions or discoveries to which this policy applies are owned by the College. The ownership rights to an invention or discovery are the exclusive property of the inventor if the College has contributed nothing substantial or essential (as, for example, funds, space, materials, or facilities) to the conception or development of the invention or discovery, and the invention or discovery is outside the scope of the inventor's normal field of employment responsibility and activity within the College. Where the College has entered into an

agreement for a project sponsored by a government agency or private firm, the terms of that agreement will govern the disposition of patents and licenses.

Members of the College community who enter into consulting or other agreements with parties outside of the College that require assignment of ownership rights in intellectual property are cautioned that conflicting interests may arise. For guidance in these matters, refer to the College's Conflict of Interest policy. The inventor's supervisor and the Provost must be notified of any patents or inventions arising from external consulting agreements.

Where there is disagreement among the inventors or the inventors and the College as to ownership rights or the retention of rights by the College, the President shall appoint an Intellectual Property Committee to review the case and provide a recommendation, with supporting rationale, for resolving the disagreement. After review of any information and recommendation from the Intellectual Property Committee the President will make a final decision to resolve the disagreement.

3. Obtaining a Patent and Release of Intellectual Property Rights

Following disclosure of an invention or discovery to the College by the inventor, the Provost shall make reasonable efforts to determine the potential commercial use and patentability of the invention or discovery and shall seek to make such contractual arrangements as may be appropriate for development of commercial use. When, in the judgment of the College, there appears to be sound basis for proceeding, the College will apply for a patent at no expense to the inventor. The College will own the invention and any patent obtained. The inventor is expected to cooperate and participate in obtaining patent protection, including signatures on appropriate documents. If the inventor consults with another patent counsel, he/she must bear all of the expense, realizing that final responsibility for prosecution rests with the College.

If the College does not file a patent application, the Provost will so notify the inventor, preferably within one-hundred eighty (180) calendar days from full disclosure of the discovery to the College, and the College will release its rights in the invention or discovery to the inventor. The inventor may elect to seek a patent or to continue prosecution at his/her own expense. If the College desires to terminate the application for a patent after initiating the application process, the Provost will so notify the inventor, and the College will release its rights in the invention or discovery to the inventor, subject to the inventor's agreeing to reimburse the College for any costs incurred by the College in obtaining, maintaining, or marketing the patent before its release to the inventor. Such reimbursement is payable from proceeds received by the inventor from the invention, whether by license, sale, or otherwise. If the inventor declines to accept the patent, the College, at its discretion, may abandon the property at no cost to the inventor.

4. Inventions and Discoveries Arising from Sponsored Projects

The intellectual property terms of all research agreements are governed by the following principles.

- A. The investigator is free to publish or present the results of a sponsored project, subject only to contractually agree upon delays to permit the sponsor to review the proposed publication or presentation for the use of the sponsor's confidential information and the inclusion of patentable information.
- B. In those cases where the College agrees to respect the proprietary nature of a sponsor's data disclosed to the College for certain limited purposes, all persons working on the project (faculty, staff, and students) are required to treat the sponsor's data as confidential.

- C. Any inventions, discoveries, or patents arising from the sponsored project will be used in the public interest.
- D. The College owns all inventions and discoveries made by College researchers arising from gifts or sponsored projects.
- E. As outlined in Section 6 below, the College and the inventor share in the net income received from intellectual property developed under the agreement.

If the proposed contractual requirements of a sponsor are contrary to the College's patent policy and cannot be reasonably negotiated, the Provost shall determine whether to accept the proposed sponsorship.

Tangible research property (TRP) includes, but is not limited to, materials, computer software, computer databases, prototype devices or equipment, engineering designs or drawings, integrated circuit chips, and audiovisual works. TRP created by investigators in the course of their research is owned by the College, except in certain cases of computer software, which will be decided on a case-by-case basis. TRP may be distributed for non-commercial research purposes to academic institutions or to companies. TRP also may be commercialized through license agreements, even though not protected by patent. Any revenue collected from the commercial license of TRP is distributed according to the provisions of Section 6.

5. Development, Marketing and Licensing

The primary mission of the College is to bring to the public the inventions and discoveries owned by the College, using whatever means seem best to develop, market, and license or otherwise commercialize each invention, consistent with the provisions of this policy. The College may enter into agreements with outside agents to assist in developing inventions or discoveries, in obtaining patents, or in promoting or manufacturing inventions, provided that such agreements are consistent with this policy. If a particular invention or discovery becomes subject to such an agreement, the inventor will be notified about the agreement and any terms governing the relationship between the outside agent and the College.

The College may enter into any licensing agreements deemed beneficial to the College, the inventor, and the public in general, provided such agreements are not prohibited by a sponsor's rules or regulations. Any terms governing the relationship between the licensee and the College due to such licensing agreements are made in consultation with the inventor.

As a general policy, the College does not sell or assign patent rights.

Agreements with companies may involve equity participation by the College and/or the inventor. Equity includes stock, stock options, warrants, and other non-cash consideration. The College and the inventor are responsible for negotiating their respective equity positions. Management of the College's equity share is the joint responsibility of the Vice President of Academics and the Vice President of Administration and Finance.

6. Proceeds from Inventions and Discoveries

If there is more than one inventor, the applicable royalty percentage will be divided equitably among the inventors. Their departments, programs, or institutes will also divide the applicable percentage equitably. The President retains the right to review the distribution and mediate among the parties.

The allocation formula recognizes all forms of cash payments, including royalties and various fees from licensing. After subtraction of certain costs as outlined below, a percentage of the proceeds that the College receives from the licensing of inventions and discoveries will be paid to the inventor, the inventor's department, program or institute, as specified below. The College

will oversee the distribution of such funds according to a plan developed in consultation with the inventor and will provide an accounting to the inventor and the inventor's department, program or institute on an annual basis.

A deduction of 20% to cover the operating expenses of the College, including legal expenses for patent filing and prosecution and for marketing of the new technologies will be taken annually from the gross license revenue, followed by a deduction for any direct assignable expenses, like patent fees, for the specific case. Income then remaining is the net income, which is distributed as follows.

- A. Thirty percent (30%) of the net income to the inventor.
- B. Twenty percent (20%) of the net income to a College account for the inventor to support the inventor's research. Should the inventor leave the College, this amount remains with the College. In no instance will this amount be transferred to an account of the inventor's designee.
- C. Ten percent (10%) of the net income to the department or departments in which the inventor serves.
- D. Five percent (5%) of the net income to the program or institute in which the inventor serves.
- E. Thirty-five percent (35%) of the net income to the College.

If the invention or discovery is the result of sponsored research and the sponsor regulates the distribution of income, such specific regulations shall take precedence over College policy with respect to distribution of the license revenue.


With respect to any patent matter in which another institution or an outside agency shall share in the income derived from the patent rights, distribution of income shall be made first to the other institution according to agreed-upon terms, and then to the inventor according to this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual	Other Policies: Section 10.02
		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Policy: Academic Freedom		Applicability: All Employees
Reference(s):		

I. Policy

Academic freedom at the College provides for freedom of expression within the context of the College's Sa'ah Naagháí Bik'eh Hózhóón mission. Academic freedom of voice and expression is defined in accordance with the belief and mores of the community which the College serves.

Academic freedom applies to three areas: 1) off campus, 2) in the classroom, and 3) on the job.

1. Off Campus

Employees often participate in political or other issues and they should be mindful that others may judge the College by what they say, especially employees who are administrators or faculty, full or part-time, or other educational officials. All employees should make it clear that they are not speaking for the College and they should strive to be accurate, show restraint, be mindful that they are within the context of Diné society, and show respect for the opinions of others.

2. Inside the Classroom

Academic freedom inside the classroom entitles teachers and students to freedom of inquiry in discussing their class subjects and issues relevant to class subjects. It also entitles faculty and students to freedom of inquiry in their research and publication of their findings, in compliance with other College policies regarding publishing and other ethical standards regarding Native Americans.

3. On the Job

Academic freedom also applies to work-related issues. The College recognizes that important decisions within the academic community require reasoned debate and discussion. This means that employees are entitled to freely voice opinions and ideas relevant to work that differ from or that contradict the opinions of supervisors, without fear of retribution.

Freedom of inquiry and freedom to dissent are consistent with the values of Diné society and with the intellectual vigor of Diné College.

II. Procedures


There are no procedures associated with this policy.

III. Definitions

There are no definitions associated with this policy.

IV. Form(s) and/or Equipment

There are no forms and/or equipment associated with this policy.

	Personnel Policies and Procedures Manual		Other Policies: Section 10.03
	Policy: Update/Revision of College Policies		Adoption Date: 07-31-2019 Effective Date: 09-02-2019
Reference(s):		Applicability: All Employees	

I. Policy

Any Regular Full-Time College employee, Department, School or Association may propose a new policy revision for consideration and potential development in accordance with the procedures set forth in this Policy.

1. Criteria

Diné College Policies are formally approved internal directives that:

- A. Support the College's mission and vision;
- B. Have broad application across one or more of the College's areas or functions;
- C. Extend provisions for College community members or set behavioral expectations by imposing duties, obligations, mandates or constraints;
- D. Help achieve compliance with applicable laws and policies;
- E. Help mitigate institutional risk;
- F. Are administered on a day-to-day basis by Administrators within the College;
- G. Are sponsored, recommended for approval and overseen by the Diné College Board of Regents;
- H. Are reviewed by the President's Executive Team; and
- I. Are approved by the President or the President's duly authorized designee. Diné College Policies are often accompanied by mandatory Procedures for accomplishing given tasks.

II. Procedures

1. The requesting party shall utilize the "Policy Revision Proposal Request Form" located on the Human Resources forms portal, to create a draft amendment of the proposed change to any College policy, including the Personnel Policies. Only updates not revisions require this formal process.
2. The requesting party will consult with the Department of Human Resources for guidance on the appropriate stakeholders that may be impacted by the suggested amendment. The responsible party shall consult with the stakeholders as needed to seek feedback and to make adjustments to the draft.
3. After all adjustments are made, the draft will then come to the Executive Team for review and approval. If the Executive Team does not approve the suggested changes, the draft will be returned to the submitter with comments.
4. If the Executive Team approves the suggested changes, the submitter will then request a resolution and submit the draft to the Department of Human Resources for legal review, if needed. After the legal review has been completed, the suggested changes will be presented by the submitter at the next scheduled Board of Regents meeting for approval.

5. The Department of Human Resources will notify and distribute all Personnel Policy updates to the College community prior to implementation. Policy Revisions will be made effective within thirty calendar (30) days after the approval of the Board of Regents.

III. Definitions

1. Diné College Policy Updates

Are minor corrections to College Policy or Procedure documents that do not alter the College's Policy's overall substantive intent or meaning, such as correcting names, titles, addresses, hyperlinks, typographical or grammatical errors, or making minor language improvements to enhance clarity or readability. Changes to Procedures or other ancillary documents that do not alter the College's Policy's substantive meaning or intent may also be implemented without formal approval.

2. Diné College Policy Revisions

Are substantial alterations or amendments to an existing College Policy document designed to implement significant substantive changes in light of changed circumstances or new imperatives. Revising a College Policy requires a formal approval process.

IV. Form(s) and/or Equipment

1. Policy Revision Proposal Request Form