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General Statement of Relationship (105.0100.79)

The College is a public, tax-supported entity, and recognizes that the very nature of its mission is to meet the educational, work force, and cultural needs of the community it serves.

In support of its mission of public service, the Board views the relationship between the College and other governmental agencies in the spirit that all public entities belong to the people.

However, in so doing, the rights of the College, the home, governmental authorities, and of the individual should be clearly understood and protected.

Because the College belongs to the people, and because it is the belief of the Board that the people in the College service area may most effectively be served by a locally elected Board immediately responsive to the needs of its electorate, the Board supports the concept of local control of the College and a mill levy gathered at the local level to enable the College to best serve its community.

All relationships between the College and other governmental agencies, at the local, regional, state, and national levels, will clarify and preserve the College's commitment to a locally governed community college, readily responsive to the community and its needs.

State/Federal Governmental Agencies -- College Relations (105.0200.79)

The Board recognizes the need for sound and effective communications between the College and the state/federal governmental agencies. The Board understands its mission to be one of ensuring that the educational services are guaranteed to the people of the College service area and are enhanced by these relationships.

The Board understands that a clear, open dialogue between the College and the state/federal governmental agencies is one of the best means of ensuring that the College most effectively serves its public.

State Legislature -- College Relations (105.0300.79)

The Board recognizes the need for sound and effective communications between the College and the Nebraska Legislature. The Board understands its mission to be one of ensuring that the educational services guaranteed to the people of the College service area through community college
The Board understands that a clear, open dialogue between the College and the Nebraska Legislature is one of the best means of ensuring that the College most effectively serves its public.  

**Coordinating Commissions -- College Relations (105.0400.79)**

The Board welcomes a spirit of cooperation between the College and the state educational coordinating agencies, recognizing the value of shared ideas and the mutual respect necessary among institutions so that they may carry out their individual missions.

**Nebraska Community College Association (105.0500.79)**

The Board is fully in support of the aims and philosophies of the Nebraska Community College Association (NCCA) and will carry forth its support through membership and participation.

**Nebraska Colleges and Universities (105.0600.79)**

The Board realizes there is a need for effective communication between the College and other colleges throughout the State of Nebraska. This clear and open dialogue between the College and other institutions is one of the best means of ensuring that the College most effectively serves its public.

**Employment Services -- College Relations (105.0700.79)**

The College will maintain ongoing and open communications with employment services and governmental agencies in order to keep abreast of work force needs and career opportunities available to students and graduates.

**Law Enforcement Agencies and Courts (105.0800.79)**

The College and its representatives shall cooperate with any duly processed lawful exercise of authority or any law enforcement agency or court.

**Information Requests (105.0900.83)**

The College, as a responsible member of NCCA and as a responsive public agency, will provide information upon request utilizing the following criteria:

1) NCCA recognizes that Nebraska community colleges are public bodies and as such owe a duty to the public to make available as much information and data concerning their operation as possible. On the other hand, the respective colleges should not spend public funds to create, compile, assemble, and/or duplicate information and data which is of little or no value to the governing boards in carrying out the statutory responsibilities to
govern their respective institutions.

2) The Nebraska community college system will make every effort to comply with the public records law and all other applicable laws, rules, and regulations requiring the compilation and dissemination of information and data. In addition, the system will cooperate in every way reasonably possible to make information available to those persons and entities requesting the same.

3) Requests for information and data from state governmental entities or persons connected with the state governmental process shall be brought to the attention of the NCCA Executive Director which:
   a) Request information applicable to all community colleges;
   b) Request information which may affect one or all of the community colleges;
   c) Request further information not required as part of the standard format of submission forms; or
   d) Request information involving estimates, projections, opinions, policies or other speculative information not approved by the President or the Board.

4) The Executive Director, after consultation with the President, or his/her designee, the President of NCCA, and the Chairperson of the NCCA Legislative Issues Team, will respond to the request for information as follows:
   a) Provide the information if the same is available or can be obtained with minimal effort and cost;
   b) Refer the person or entity making the request to information and data which has been filed with the state governmental entities such as the Nebraska State Auditor, the Nebraska Department of Administrative Services, the Nebraska Legislative Fiscal Analysts Office, and the Nebraska Post-Secondary Coordinating Commission as well as publications generally prepared and distributed by the colleges;
   c) Refer the person or entity making the request to the laws governing public records and the location of the records involved in the request (which in most cases should be the President's office) and the name of the person to contact at such location to arrange for an inspection of public records; or
   d) Encourage each college to establish a policy with regard to the compilation, duplication, and distribution of information and data including the costs charged for the same and forward such policy to the NCCA Executive Director so that proper referral may be made of informational requests. Each college is also encouraged to designate one administrator with whom the Executive Director may confer on informational requests affecting the college or college system.

LOCAL COMMUNITY ADVISORY GROUPS (110.0000.79)

Advisory Committees for Occupational/Technical Programs (110.0100.79)

The College most effectively serves its community in a spirit of mutual exchange of ideas and expertise. Therefore, open and effective communications between the College and members of business, professions, industry, and labor are paramount to the vitality and marketplace relevance of the College's occupational/technical programs.
The President, or his/her designee, may appoint special committees from the public to advise College staff regarding instructional programs in specific occupational/technical areas as these programs relate to the overall educational mission of the College.

The committees serve in an advisory capacity and have neither administrative nor legislative authority.

Terms of appointment to such committees may not exceed three years.

Advisory Committees for the Board (110.0200.79)

The Board may appoint advisory committees to study problems and recommend solutions, provide information, or perform assigned tasks as directed by the Board.

The advisory committees for the Board serve in an advisory capacity and have neither administrative nor legislative authority.

The members of each committee shall be instructed regarding the length of time each is being asked to serve and the specific services that the Board wishes the committee to render. Further, the committee shall be instructed regarding its relationship with the Board and with College staff.

The Board shall have the sole authority to dissolve any of its advisory committees at any time.

COLLEGE -- COMMUNITY RELATIONS (115.0000.79)

Rationale (115.0100.79)

The Board recognizes that the College exists as an integral part of the community and cannot be separated from it. Further, the Board believes that the success of the College will depend upon the effectiveness of community, students, and staff working towards common goals. A continuous program of two-way communication between the College and the community is essential.

College Complaints (115.0200.79)

Complaints from the community will be received by the President or his/her designee.

Anti-Harassment-Client/Guest (115.0250.01)

General Information: The most productive and satisfying college environment is one in which learning, work, and other collegiate activities are accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs moral, undermines the
environment of diversity, violates the integrity of the College, and causes serious harm to the
productivity, efficiency and stability of the College organization.

All clients/guests have a right to experience activities/services in an environment free from
discrimination and harassing conduct, including sexual harassment.

Definitions: Harassment on the basis of an individual’s race, color, creed, ancestry, national
origin, age, disability, gender, marital status, military status, religion, or other protected status is
expressly prohibited under this policy. Harassment on any of these bases is also illegal under state
and federal law.

Harassment that is sufficiently severe, pervasive, or persistent so as to interfere with, or limit
the ability of an individual to work and function, or to create a hostile environment is strictly
prohibited. Conduct constituting harassment in the connection with or in the performance of College
business/activity whether on or off campus is prohibited. (See Appendix, Series 1000 C-1-01 for
complaint procedures.)

Media Productions (115.0300.79)

The College, through the President and the College Relations staff, is authorized to produce
such media items as may be necessary for operation of the College with the approval of the President
and in accordance with all policies of the Board.

News Policy (115.0400.79)

The news media and community will be given advance notice of the time, place, and business
of all meetings, both regular and special, of the Board.

Proprietary Rights (115.0500.98)

The Board is desirous to protect its proprietary rights and licensing rights of all of its
intercollegiate athletic programs; and,

The Board hereby establishes the following rights, practices, and procedures concerning
games and sporting events wherein the College is a participant:

1) The College has the exclusive right and ownership to all sporting events conducted on the
property of the College, or property controlled by the College, wherein the College is a
participant, which shall include, but is not limited to, all rights concerning the transmission
or aid in the transmission of any description, account, picture, representation or results of the
game or related events;

2) The College has all exclusive rights concerning the College logo, or any other official
college logo and mascot normally associated with the College's intercollegiate sports, such as
the Cougar mascot, the term "Cougarball" and other such generally accepted related terms, phrases, logos, and designs;

3) Games broadcast wherein the College is a participant in intercollegiate sports is a protected property right and proprietary right of the College. The broadcast, rebroadcast, or recording in any form from the property of the College of an intercollegiate athletic event wherein the College is a participant without the expressed written consent of the College is strictly prohibited;

4) The College may enter into an agreement with a third party for the radio broadcast of home and away games of any of the College's intercollegiate athletic programs, the terms of which shall be agreed to by the Board;

5) If a visiting team broadcaster wishes to broadcast a game from the property of the College, then in that event the broadcaster shall enter into an agreement under the terms of which the broadcaster agrees that he shall not allow the broadcast or rebroadcast of its signal to be received in the following counties in Nebraska: Scotts Bluff, Cheyenne, or Box Butte. This restriction shall not apply to the visiting team broadcast of games between the College and Eastern Wyoming Community College;

6) As a condition of allowing visiting teams to broadcast games from the property of the College, the visiting team broadcaster shall enter into an agreement which incorporates the terms as set forth in the preceding paragraph. If visiting teams or their broadcasters shall allow their signal to be broadcast in Scotts Bluff County, Cheyenne County, or Box Butte County in the state of Nebraska, the visiting team broadcast shall be immediately terminated and the broadcast rights to broadcast shall be forfeited.

Tours and Visitations (115.0600.79)
Campus tours and visitations shall be arranged through the Chief Student Services Officer.

Registration of Visitors (115.0650.84)
Any persons entering the property of the College in the capacity other than:

1) A visitor attending public functions including, but not limited to, theatre productions, sports events, or public exhibitions;
2) Faculty and other employees;
3) Students and their guests;
4) Persons who have a need to conduct business with or request information from College officials; or
5) Otherwise utilize available College services shall first register with the Student Services Office. Failure to register will result in the visitor being construed as a trespasser.

Staff Participation in Community Affairs (115.0700.79)
The staff of the College has, by means of their diverse backgrounds, interests and talents, much to contribute to their neighborhoods, cities, state, and nation. College staff members are urged to become members of civic organizations and to take an active part in civic affairs.
Grievance Process (115.1000.97)

This Board policy is adopted to comply with the terms of the Nebraska Equal Opportunity in Postsecondary Education Act, Sec. 85-9,166 et seq., R.R.S. 1996. Wherein, this policy does not comply with or is in conflict with said statues, the provision of such statute shall nevertheless control (See Appendix 1000-E-1-97 for grievance procedures). All provisions of the Nebraska Equal Opportunity in Postsecondary Education Act are incorporated in this policy by reference.

Preface: The Board of Governors for Western Community College Area finds and declares that it is an unfair or discriminatory practice to discriminate on the basis of gender in any program or activity which shall include but not be limited to:

1) Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity, except athletic programs;
2) Denial of comparable opportunity in intramural and interscholastic athlete programs;
3) Discrimination among persons in employment and the conditions of such employment, and;
7) The application of any rule which discriminates on the basis of:
   a) pregnancy of any person;
   b) marital status of any person;
   c) condition of being a parent.

Rules requiring certification of a physician’s diagnosis and such physician’s recommendation as to what activities a pregnant person may participate in are permissible. For purposes of this policy, marital status shall include the condition of being single, married, widowed, or divorced.

SOLICITATION (120.0000.79)

Soliciting from Students and Staff (120.0100.83)

Unauthorized soliciting is prohibited. Any attempt to sell or contact to sell to any student, employee, or guest of the College, while on campus premises, shall be considered unauthorized without express written permission of the President or his/her designee.

Sale of Commercial Commodities on Campus (120.0200.79)

No commercial commodities may be sold on College premises by any individual or group, except through regularly approved distribution channels, unless specific approval has been granted by the President.
Use of College Records (120.0300.79)

Commercial firms may not use College records for the purpose of obtaining names and address for solicitation of students or employees.

Use of College Name (120.0400.79)

The name of the College shall not be used for commercial or promotional purposes without approval of the President or his/her designee.

OTHER EDUCATIONAL INSTITUTIONS (125.0000.79)

Dual Enrollment of Selected High School Students (125.0100.79)

The Board encourages an early acquaintance with College course offerings through its policy of dual enrollment for selected high school students.

COLLEGE ORGANIZATION (200.0000.79)

Discrimination, Harassment, and Retaliation Prohibited (201.0100.12)

The College is committed to providing a college environment free from harassment, discrimination and retaliation. Specifically, College students and/or employees, shall not participate in any harassment, discrimination or retaliation based on any protected class status of individuals as covered by College policies.

As such, no College student or employee shall engage in discrimination, harassment, or retaliation toward a College student or employee of the College.

Examples of prohibited conduct include, but are not limited to, the following:

- Sexual harassment, defined to include unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual unwelcome conduct of a sexual nature.
- Harassment or discrimination is defined to include verbal, physical or other conduct of a nature which is offensive to a person on the basis of race, color, national origin, disability, sex, and age.
- Retaliation against any person for filing a charge or complaint of prohibited conduct.
- Retaliation against the respondent in a charge or complaint of prohibited conduct.
Prohibited harassment or discrimination includes any conduct or behavior of an inappropriate nature where:

- Submission to the conduct is made either explicitly or implicitly, a term or condition of academic success or employment advantage/benefit, or
- Submission to or rejection of the conduct by an individual is used, threatened, or suggested to be used as the basis for academic or employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with a student’s or employee’s performance or creating a hostile, intimidating or offensive atmosphere.

Persons violating this policy will face strict discipline up to and including suspension, expulsion, or termination.

Any person believing that he or she has been subject to prohibited harassment, discrimination or retaliation as set forth in this policy shall file a complaint utilizing Series 2000, Appendix A-1-12—Discrimination, Harassment or Retaliation Complaint Operating Procedure.

**ADMINISTRATIVE OFFICERS (205.0000.79)**

**Development of Job Descriptions (205.0100.79)**

Job descriptions shall be developed for all administrative officers employed. Such descriptions shall be periodically reviewed and revised as changed conditions warrant. All job descriptions shall be kept on file in the College Human Resources Office.

**COUNCILS AND COMMITTEES (210.0000.79)**

The President will establish an institutional structure within the College which will enable all College employees to make recommendations to the formation of College policy.

**BOARD-STAFF RELATIONS (215.0000.79)**

**Board-President Relationship (215.0100.79)**

The Board shall delegate to the President administrative authority over the College and hold him/her responsible for the efficient direction and operation of the College in line with the policies and procedures adopted by the Board. The Board and President shall extend to each other the fullest cooperation and recognize the responsibilities which belong to the Board as a policy-making body and to the President as the chief executive. The Board shall work with the President and the administrative staff on major problems which confront the College.
Board as Adjudicating Body (215.0200.79)

The President shall serve as the official channel for all contacts between staff members and the Board. The Board may, however, appoint an ad hoc committee or request one of its standing committees to investigate personnel problems or complaints after it has been established that all other avenues of review within the College have been pursued.

The staff of the College will work together to resolve problems and concerns that arise and bring them to the Board only as a last resort. The appropriate administrators will always be given an opportunity to resolve conflicts before they are heard by the Board.

President-Staff Relations (215.0300.79)

The President is responsible for the efficient operation of the College. He/she may delegate some of these responsibilities to other members of the administrative staff. When problems arise in areas which have been so delegated, students or staff members wishing to bring a matter to the President's attention will first consult with the appropriate executive administrative officer. If he/she is unable to solve the problem at this level, the petitioner is invited to make an appointment with the President.

LINE OF RESPONSIBILITY (220.0000.79)

Delegation of Authority to the President (220.0100.79)

The Board has the responsibility both for policy formulation and for the operation of the College. It may delegate part of the responsibility to the President.

Authority of the President in Case of Emergency (220.0200.79)

In emergency situations, the President is expected to take whatever action he/she deems necessary. If a policy of the Board is involved, the President shall report such action to the Board at its next meeting for ratification.

RELATIONS AMONG UNITS OF THE COLLEGE (225.0000.79)

Coordination and Cooperation Among College Units (225.0200.79)

The administrative components of the College consist of a central administration and three campus operations. They are to be organized in such a way as to assure maximum coordination among all units of the College.

Administrators are expected to operate in accordance with the policies as enumerated by the
Board and procedures established by the President in carrying out all of their responsibilities. When policies or procedures seem to impede desirable action, it is the responsibility of the various administrators to recommend to the President appropriate changes.

The primary function of all administration is to provide effective, dynamic leadership which will ensure that the objectives of the College are met. In a multi-site district, it is particularly important that the administrators at individual sites and in the central office be mutually supportive. It is important that the sites recognize the need for cooperation and collaboration in meeting the goals of the College.

Probably the most important factor affecting the operation of a multi-site district is the atmosphere created by the administrative leadership. In making decisions, administrators will operate in an open, forthright manner. Decisions will be based on appropriate policies adopted by the Board and procedures established by the President to enhance mutual respect, confidence, and understanding among the College staff.

**Communication Among Units (225.0300.79)**

A sound system of communications can have a significant effect on relations among the units of the College. College administration shall make every effort to keep College employees aware of the current information necessary for effective operations, and the executive administrators shall, likewise, apprise the College staff of activities and developments at the campuses.

In case of emergency, administrative procedures at the College level will follow procedures as specified in the College’s *All Hazards Plan* and accepted *Incident Command* procedures as specified in National Emergency Management System.

**EDUCATIONAL ORGANIZATIONS AND MEETINGS (230.0000.79)**

**Memberships in Professional Organizations (230.0100.79)**

Professional staff members are encouraged to belong to organizations of which objectives and interests are applicable to the teaching and/or administrative responsibilities of College staff. Staff members belonging to such groups -- whether at the local, state, or national level -- may be given time off to attend meetings and to participate in their professional activities.

The President is authorized by the Board to determine and approve institutional type memberships in organizations of which objectives and interests are applicable to the teaching and/or administrative responsibilities of College staff. Such selected membership fees shall be paid by the
COLLEGE FACILITIES (235.0000.89)

Use of College Facilities and Equipment (235.0050.96)

Requests for usage of College facilities, equipment, or materials by employees, students, or outside organizations shall be made to the Chief Administrative Services Officer. Requested utilization not in conjunction with the College's role and mission, as designated in Nebraska statutes, shall be assessed charges for such usage. The College reserves the right to deny usage of College facilities, equipment, or materials for purposes not conducive to the interest of the College, its employees, students, or community as a whole. Unauthorized use or possession of College facilities, equipment, or materials is strictly forbidden.

Violation of this policy by College employees may lead to disciplinary action.

Naming of College Facilities (235.0100.89)

Potential names of College structures shall be reviewed by the Board, or a subcommittee thereof, for recommendations to the entire Board. The following types of names may be considered:

1) Functional names—Any phrase or term that adequately identifies the primary function of the structure; i.e., administration building; and, whenever possible, the functional name shall encompass the activities carried on within the structure. When activities are diverse, prominent activity should be selected as the functional name. Functional names are to be combined with personal and place names.

2) Personal names—A person whose name is considered for selection will have made a significant contribution to education within the College, within the College Area, within the State of Nebraska, or within the nation, or have made a significant financial contribution to the College.

3) Place names—The name of a geographic area within the College area, i.e., Sidney, Scottsbluff, Alliance.

Designated Smoking Areas on College Property (235.0200.09)

It is the primary goal of the College to promote a safe and healthy environment for students, faculty, staff, and visitors on property owned and operated by the College. The intent of this policy is to protect the rights of nonsmoking community to breathe smoke-free air and to reduce the health risks associated with tobacco.

Smoking is prohibited on all property owned or operated by the College, including but not limited to all College buildings and vehicles, except:
1) Areas designated as smoking areas;
2) Private vehicles; and
3) Areas at least 25 feet from all College buildings.

Smoking is defined as the use of any lighted cigarettes, cigars, pipes, or other lighted smoking equipment. Compliance with this policy shall be the responsibility of all employees, students, and visitors.

Certified Service Dog (235.0225.09)

A certified service dog may accompany an employee, student, and/or visitor to all College activities and locations. A certified service dog is a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability. Pets and therapy animals are generally not permitted in the College facilities or at College events.

Requests for exceptions to this general rule must be submitted to the College’s Equal Opportunity Officer prior to the event/activity and will be reviewed and decided on a case by case basis. The College reserves the right to remove any service dog from the College facilities or events if the dog is ill or when the animal’s behavior poses a direct threat to the health or safety of other persons.

Handgun/Firearm Prohibition (235.0250.07)

The College does hereby prohibit permit holders who are authorized to carry a concealed handgun pursuant to §69-2427 through §69-2447, Reissue Revised Statutes of Nebraska, from carrying a concealed handgun into or upon the property of Western Community College Area, which operates Western Nebraska Community College. This prohibition shall include but is not limited to property owned by Western Community College Area located in Scotts Bluff County, Cheyenne County, and/or Box Butte County, and property leased by Western Community College Area from the City of Alliance, Box Butte County, Nebraska.

Drug Free Schools and Communities (235.0300.90)

The College affirms its responsibility and commitment to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as a part of any of its activities.

Pursuant to the Drug Free School and Communities Act Amendments of 1989, the College shall annually distribute in writing to each employee and each student who is taking one or more
classes for any type of academic credit, except for continuing education units, regardless of the length of the student's program of study, a distribution in writing setting forth the following:

1) Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as a part of any of its activities.
2) A description of applicable legal sanctions under local, state, or federal law.
3) A description of health risks associated with the use of illicit drugs and the abuse of alcohol.
4) A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs.
5) A clear statement of the disciplinary sanction that the College will impose on students and employees, which sanctions are set forth at length in the Manual of Policies, which may include expulsion or termination of employment and referral for prosecution for violations of the standard of conduct.

The College declares that any employee convicted of a criminal drug offense or alcohol abuse offense under the above conditions is subject to appropriate personnel action up to and including termination or satisfactory participation in a drug/alcohol rehabilitation program.

The College declares that any student convicted of criminal drug offense or alcohol abuse offense under the above conditions is subject to appropriate student discipline procedures as more specifically set forth in Policy 500.3700.79, Policy 500.3800.86, Policy 500.4100.79, and Policy 500.4200.79 of the Manual of Policies, which may result in expulsion from school or satisfactory participation in a drug/alcohol rehabilitation program.

The College does hereby establish a drug free and alcohol abuse awareness program to be implemented through the President to aid in preventing the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. This program shall include not only the annual distribution in writing but also appropriate counseling programs. In addition a bi-annual review shall be made to this program to:

1) Determine the effectiveness of the program and implement changes to the program if they are needed; and
2) Ensure that the disciplinary sanctions are consistently enforced.

Artistic Display (235.0400.96)

The College encourages and promotes the display of art on its premises. The Board's intention in setting forth this policy is:

1) To establish criteria for maintaining a high level of quality for works of art displayed at the College, and
2) To clarify the rights and responsibilities of the College as related to both temporary and permanent displays of art.

All works of art (including, but not limited to, paintings, prints, photographs, sculpture, craft works and other objects of a decorative or aesthetic nature) and proposals for the permanent or temporary display of such works must first be approved by the Board.

The Board reserves the right to reject any work or works of art offered or presented to the College as a gift. The Board also reserves the right to reject gifts of cash which are designated for the purchase of art works. If a work is accepted for display, the Board will cooperate as much as possible with the donor's or lender's wishes regarding the display of the artwork, but the decision as to the placement of all artwork at the College will be at the discretion of the Board. Donors should be aware that, if circumstances demand, the Board has the authority to temporarily remove any work of art from display. Any group or individual wishing to express disagreement with a decision of the Board should address their remarks in writing to the Board Secretary.

A major goal of the Board is to develop a collection of works of art which contribute to the ambiance of the College. Artwork for the College should enhance the surrounding environment. The Board will pay special attention to works which emphasize the purposes and traditions of the College. It is hoped that such works will express the vitality of the College.

In addition to matters of quality and content, there are practical considerations which will enter into the Board's decision:

1) How much wall or floor space is available?
2) Is the artwork likely to be damaged while on display?
3) Will the work interfere with free movement?
4) Will there be continuing costs of the display such as lighting, maintenance, insurance, etc?

Groups or individuals are advised to submit a proposal before purchasing a work of art for the College. The response from the Board would set the limits on what is possible and what is needed. The Board can further advise donors on a variety of other practical matters such as framing, art conservation, insurance, and standards for identification plaques.

College Vehicle Use and Safe Driving (240.0100.11)

In an effort to assure that College vehicle drivers follow safe, responsible, and efficient vehicle driving practices, the Board does hereby delegate to the President the responsibility of
developing, implementing, and maintaining appropriate vehicle usage and safe driving practices and procedures. It shall be the responsibility of the President or his/her designee to establish vehicle usage procedures and safe driving practices for all individuals using College owned or leased vehicles. All persons including, but not limited to, employees, volunteers, contract laborers, students, consultant, applicant, or community member shall follow all check-out and driving/safety rules as promulgated and required by the President or his/her designee. A copy of such rules shall be issued to all drivers prior to check out of College vehicle(s).

Commercial Driver’s Licenses Testing/Requirements (240.0200.11)

Western Nebraska Community College shall test, in accordance with Federal regulations (49 CFR Part 40 Regulations of the U.S. Department Of Transportation Procedures For Transportation Workplace Drug And Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation), employees required to have a Commercial Driver’s License (CDL) for the use of controlled substances that violate law or Federal regulation and the misuse of alcohol. Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping and all other procedural requirements shall adhere to Federal regulations (Part 40). Please see Series 2000, Appendix D-2-11 for the Board approved federal policy and procedures.

In addition to meeting Federal regulations, the Board delegates the responsibility to the President to promulgate, implement and establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

This policy applies to every person of Western Nebraska Community College who operates a commercial motor vehicle in commerce in any State, and is subject to:

1) The commercial driver's license requirements of part 383;
2) All Drivers Operating Commercial Motor Vehicles for the College; or
3) The commercial driver's license requirements of the Canadian National Safety Code.

Approved Driver of College Vehicles (240.0300.11)

College-owned vehicles are resources of the College and should strictly be used for lawful and safe College business purposes which would reflect positively on the College. Only College
approved drivers are authorized to drive a College owned, leased, or loaned vehicle or a private vehicle while on College business.

The College President or his/her designee shall determine and approve drivers for all College vehicles. All approved drivers shall hold a valid operator's license of the type required for the vehicle used. Only approved drivers shall be authorized to operate College vehicles.

**FISCAL AFFAIRS (300.0000.79)**

**FISCAL YEAR (305.0000.79)**

The fiscal year of the College shall begin on the first day of July and end on the thirtieth day of June of each year.

**BUDGETING AND PLANNING (310.0000.79)**

**Planning Budget Request (310.0100.79)**

The College budget request represents the approved educational plan of the College for the academic year stated in fiscal terms. In preparing the College operating budget request, the President shall adhere to the following guidelines:

1) The budget request shall reflect the best possible distribution of available funds in accordance with the goals of the College.
2) The budget request shall identify sufficient sources of funds to ensure a financially balanced budget.
3) The budget request shall provide contingencies adequate to meet reasonable unforeseen demands.

The budget request shall be presented by the President to the Finance Committee of the Board for its review and recommendations. Such request shall be presented, as amended, to the Board for review and approval prior to submission to the Nebraska Department of Administrative Services.

**Adoption (310.0200.79)**

Each year the President, with the assistance of the Secretary of the Board, shall propose a fiscal year budget of income and expenditures for the College. The budget shall strictly conform with applicable state and federal law.

The President shall cause such proposed budget statement to be published and shall take other steps as shall be required by Nebraska law for Board approval following its public hearing.
After said public hearing and Board adoption of a budget statement, the Secretary of the Board shall take all such steps as necessary to certify the finally adopted budget and mill levy information as shall be necessary for its implementation.

INCOME (315.0000.79)

Tax Rate (315.0100.79)
For each fiscal year, the Board shall set the tax levy for the College. As part of the budget adoption process, the President shall recommend annually to the Board a tax levy sufficient to fund the proposed budget of the College. The recommended tax levy, however, shall not exceed the limits set by Nebraska statutes.

Tuition and Fee Schedule (315.0200.79)
The Board shall annually, or at such other times as may be deemed necessary, establish and set a schedule of tuition and fees. Such schedule shall include separate rates for Nebraska residents and out-of-state residents. The President, whenever he/she deems appropriate, shall recommend changes in the schedule of tuition and fees for the College. The Board reserves the right to change tuition, fees, and other charges without notice.

Gifts, Grants, and Bequests (315.0300.79)
The College may have a foundation or endowment association established for the purpose of receiving gifts, bequests, and donations to be used exclusively for educational purposes at the designated campus. Such foundation or endowment association shall be incorporated as a distinct body for the above purposes. Certain tax advantages are available to the donor who wishes to contribute to a foundation or endowment association.

Fees for Services (315.0400.86)
The Board authorizes the President to institute fees for services for such programs that provide services other than instruction to outside publics. Fees for services programs shall be administered as follows:

1) A schedule of all fees, rates, and procedures shall be filed with the President. Any variation or departure from the established schedule shall be reported immediately to the President.
2) All fee monies received shall be reported and deposited with the Chief Administrative Services Officer.
3) College employees shall be strictly forbidden from receiving personal
compensation from outside publics for performing services as a part of the established program.

4) Liabilities to the College that arise through the non-performance of services or personal damages to outside publics, as a result of such non-instructional programs, shall immediately be reported to the President.

DISPOSITION OF ASSETS (320.0000.79)

Bid Solicitation (320.0100.79)

When assets of the College are no longer needed by any unit of the College, the President shall be authorized to solicit bids and to accept the best bid. All sales shall be reported to the Board listing the amount received, property disposed of, and to whom it was sold.

Board Action (320.0200.79)

In conjunction with state and federal regulations, the sale, conveyance, or lease of any real property owned by the College shall be effective only when authorized by a majority of the full Board membership.

ISSUANCE OF WARRANTS (325.0000.79)

Warrants (325.0100.79)

In accordance with Nebraska statutes, the Board may issue warrants in an amount necessary to finance the operating expenses of the College. The dollar amount of such warrants, plus interest, shall not exceed the amount of money to be received from the general obligation of the College, and full faith and credit of the College shall be pledged to retire such warrants.

The Chairperson and the Treasurer shall be authorized to affix their signatures to such warrants and issue them according to the procedures set forth in the Nebraska statutes.

The Treasurer shall cause to be kept a warrant register and, upon presentation of the warrant to the Treasurer by a holder of the warrant, the Treasurer shall cause the warrant to be registered and shall cause the appropriate entries to be made in the warrant book. Warrants shall be entered in the register strictly in the order of their presentation and shall be paid in the same order, except as otherwise provided by law.

Except as may be otherwise provided by law, the Treasurer shall cause payment of the warrant upon registration, if there is sufficient money on hand in the proper fund and there is not outstanding any earlier unpaid registered warrant. The Treasurer is also responsible to cause the giving of notice by mail to the holder of each registered warrant as sufficient monies accrue to pay
each particular warrant. Warrants shall not accrue interest after being called for payment.

**EXPENDITURES (330.0000.79)**

**Requisition and Purchasing (330.0100.79)**

All purchasing of materials, supplies, and services will be done by the Chief Administrative Services Officer or his/her designee.

**Purchase Contracts (330.0200.79)**

No individual has the authority to enter into purchase contracts unless specifically authorized by the Board or the President. Any such purchases are considered unauthorized and become a personal obligation to the vendor by the individual making the purchase unless otherwise approved in writing by the President.

**Contracts, Financial Interest of Board Members, Officers, and Employees Prohibited (330.0300.88)**

Except as provided in the second paragraph, the College shall not enter into any contract for the purchase of property or services of any person or from any members of the immediate family of any person who is:

1) A member of the Board;
2) An administrative officer of the College that includes the following: President, Executive Vice-president, Vice-president, Dean, Associate Dean, and/or
3) An employee of the College involved in the requisitioning or purchasing of property or services, or the approval thereof, or in the selection of prospective bidders or in the awarding of contracts on behalf of the College, hereinafter referred to as an interested person.

The provisions in the first paragraph shall not apply if the interested person:

1) Makes a declaration on the record to the Board regarding the nature and extent of his or her interests prior to the official consideration of the contract;
2) Does not vote on the matter of granting the contract;
3) Does not act for the Board which is a party to the contract as to inspection or performance under the contract in which he or she has an interest.

If the interested person's parents, spouse, or child is an employee of the College, or a member of the Board, the interested person may vote on all issues of the contract which are generally applicable to all employees or all employees in that classification and does not single out his or her parents, spouse, or child for special action. Any contract entered into with an interested person of the Board shall be subject to applicable competitive bidding requirements and shall be fair and
reasonable to the governing body.

**Economy of Purchasing (330.0400.79)**

The expenditure of all College funds should be handled so that the greatest ultimate value per dollar expended is achieved.

**Guidelines to Bids and Quotations (330.0500.79)**

Where an item has been approved by the Board, either expressly or by inclusion in the budget the Board has adopted for the College, the Treasurer is authorized to solicit quotations and/or bids in accordance with the requirements of state and federal laws. In the exercise of this authority, the following guidelines shall be observed except in emergencies approved by the President or the Chairperson.

**Bid Solicitation (330.0501.04)**

It shall be the general policy of the Board to ask for competitive formal sealed bids on all equipment and supply purchases exceeding the amount of $7,500 and construction projects exceeding the amount of $25,000. Non-budgeted items shall be brought to the Board for review and actions.

The Board may, at its discretion and in compliance with this policy, procure additional quantities of an item without competitive formal sealed bids if substantially the same item has been formally bid within the previous six months.

Informal bidding (phone quotations or written quotations from at least two suppliers or contractors) must accompany equipment and supply purchases exceeding $2,500 but less than the competitive from sealed bid threshold and construction projects exceeding $10,000 but less than the competitive formal sealed bid threshold. The Treasurer may order supplies and equipment without formal or informal bid requirements for items up to $2,500 and may order construction work without formal or informal bid requirements up to $10,000.

Items shall be considered as a single whole and cannot be divided or fractionated in order to produce several contracts which are an estimated value under that required for competitive bidding.

The Board shall have the exclusive authority to determine which bids provide greatest value to the Area. The Board reserves the right to consider the value of attributes exceeding minimum specifications in determining greatest value.

In the event only one bid is received, the Board may, at its discretion, authorize competitive
negotiation as the most cost effective method of procurement.

The Board reserves the right to reject any and all bids and waive informalities and technicalities.

**Treasurer's Authorization to Purchase (330.0600.93)**

The Treasurer shall be authorized to make payment to any valid claim up to, but not to exceed $7,500, without prior approval of the Board. The purchase of fixed service items such as utilities, insurance premiums, and routine recurring payroll related expenditures are not subject to this limitation.

**Relations with Vendor (330.0700.79)**

Only salespersons of materials, equipment, or services which normally would be used in the College are to be admitted to the College. The setting up of displays of those admitted must have approval of the appropriate administrative officers. In no case may salespersons disturb employees during work hours without approval. All salespersons and company representatives must be cleared through the appropriate administrative officers before consulting with any employee of the College.

**Signing of Checks (330.0800.79)**

The Chief Administrative Services Officer or Treasurer or his/her designee is authorized to sign all checks for disbursement of all funds.

**REIMBURSEMENT OF EXPENSES (335.0000.79)**

**Reimbursement of Expenses (335.0100.93)**

In accordance with applicable state law, the College does hereby permit elected and appointed officials, students, employees, and volunteers to incur certain expenses when authorized for travel to and from and participation in educational workshops, conferences, training programs, official functions, hearings, meetings, or other College activities. Such authorization shall be to the extent authorized by law and delegated to the President.

The President shall administer all related policies to the extent permitted by law. These policies shall be uniform in governing the expenditure of public funds for purposes of approval for participation and attendance by elected and appointed officials, employees, students, or volunteers, at educational workshops, conferences, training programs, official functions, hearings, meetings, or other College activities, whether incurred within or outside the boundaries of the College Area.
The Board specifically shall not authorize the expenditure of public funds to pay for any expenses incurred by a spouse of an elected or appointed official, spouse of a student, spouse of an employee, or spouse of a volunteer.

Reimbursements shall be based on actual and necessary expenses incurred and shall not be based on a per diem rate. All claims for reimbursement shall be submitted within 30 days of the occurrence of the expense.

Transportation Costs (335.0101.94)

The College shall reimburse elected and appointed officials, students, employees, and volunteers, for actual and necessary travel costs that are incurred in authorized travel to and from educational workshops, conferences, training programs, official functions, hearings, meetings, or other College activities when traveling by commercial or charter carriers. A fully itemized claim, including receipts, bills, statements, gratuities, etc., shall be submitted to the College with the reimbursement request, using the College's claim form.

The College shall reimburse authorized persons for necessary travel costs associated with traveling by motor vehicle. The College will reimburse authorized use of a personal vehicle at the current designated mileage rate of Nebraska Statutes, Section 81-1174 through 81-1177. In instances where a College or personal vehicle is not available, the College will reimburse authorized use of a rental car. In no circumstance shall the College reimburse expenses incurred for traffic or parking violations. A fully itemized claim, including receipts, bills, statements, gratuities, etc., shall be submitted to the College with the reimbursement request, using the College's claim form.

Employees are encouraged to use College vehicles for local travel. In the event a College vehicle is not available for local travel, the College will reimburse authorized use of a personal vehicle at the current designated mileage rate of Nebraska Statutes, Section 81-1174 through 81-1177. Local travel includes all trips that do not extend beyond a 15-mile radius of the employee's regular worksite. The President, or his/her designee, shall be authorized to approve reimbursement of any necessary local travel for College business.

Additionally, the College shall provide an incentive pay of .12 cents per mile to faculty members for traveling off campus to teach courses. Faculty members shall travel a minimum of 15 miles one way before they are eligible for payment of the incentive pay.
**Meal Costs (335.0102.93)**

**Individual Meals**

The College shall reimburse elected and appointed officials, students, employees, and volunteers for the actual meal expenses that are incurred during authorized travel. These individuals are expected to purchase meals not to exceed the applicable Federal rate per day for the geographic area involved. (Federal meal rate information is available in the Business Office.) The President, or his/her designee, shall be authorized to approve expenses in excess of this rate. In no circumstance shall the College reimburse individuals for the expense of alcoholic beverages incurred. A fully itemized claim including receipts, bills, statements, gratuities, etc., shall be submitted to the College with all meal reimbursement requests, using the College's claim form.

**Group Meals**

The College shall reimburse elected and appointed officials, students, employees, and volunteers for actual meal expenses that are incurred for authorized group meals. Meals, out of town or in town, for two or more people that are necessary for conducting College business shall be reimbursed on an actual expense basis for all participants. The President, or his/her designee, shall be authorized to approve expenses of this type. In no circumstance shall the College reimburse individuals for the expense of alcoholic beverages incurred. A fully itemized claim including receipts, bills, statements, gratuities, etc., shall be submitted to the College with the reimbursement request, using the College's claim form. The claim must include a list of all meal participants.

**Lodging Costs (335.0103.96)**

The College shall reimburse elected and appointed officials, students, employees, and volunteers for the actual lodging expenses that are incurred during authorized travel. These individuals are expected to acquire lodging not to exceed the applicable Federal rate per day for the geographic area involved. (Federal lodging rate information is available in the Business Office.) The President, or his/her designee, shall be authorized to approve expenses in excess of this rate. A fully itemized claim including receipts, bills, statements, gratuities, etc., shall be submitted to the College with all lodging reimbursement requests, using the College's claim form. The College shall not provide reimbursement for expenses of a personal nature including, but not limited to: personal phone calls; mini-bar charges; cleaning of personal clothing; additional personal conveniences; or recreation charges.
Participation/Registration Costs (335.0104.93)

The College shall reimburse elected and appointed officials, students, employees, and volunteers for actual and necessary registration costs, tuition costs, fees, or other charges that are incurred in authorized participation of educational workshops, conferences, training programs, official functions, hearings, meetings, or other College activities. A fully itemized claim, including receipts, bills, statements, etc., shall be submitted to the College with the reimbursement request, using the College's claim form.

Recognition Dinner Costs (335.0105.93)

The President may authorize one recognition dinner each year held for elected and appointed officials, students, employees, or volunteers of the College Area. The maximum cost per person for such dinner shall be $25. An annual recognition dinner may be held separately for employees of each department, or separately for volunteers, or any of these in combination if authorized by the Board.

Recognition Award Costs (335.0106.93)

The College does further establish a uniform policy not to exceed $150 limit on the value of any plaque, certificate, achievement, or item of value to be awarded to any elected and appointed official, student, employee, or volunteer. This policy cannot be amended or altered more than once in a 12-month period.

FISCAL ACCOUNTABILITY (340.0000.79)

System of Accounts (340.0100.79)

The Chief Administrative Services Officer, in consultation with the President, shall establish a chart of accounts and a system of financial accounting, including appropriate procedures, which provides that all funds received and disbursed by the College are received and disbursed in accordance with the policies of the Board, state and federal laws, the American Institute of Certified Public Accounts Audit Guide for Colleges and Universities which generally follows the guidelines provided in the Guide to Budgeting, Accounting and Reporting of the Nebraska Association of Technical Community Colleges.


The Treasurer shall present a monthly report to the Board which summarizes the activity
within the various accounts of the College operating fund.

**Inventory System (340.0300.00)**

The College shall establish and maintain an inventory of all depreciable equipment with an initial cost of $2,500 or more. The inventory system shall contain such provisions as necessary for reporting on equipment acquired as surplus through state and federal agencies.

**Fiscal Year Audit (340.0400.79)**

In accordance with statutory requirements, the financial activities of the College shall be subject to audit each fiscal year by a firm of certified public accountants, approved by the Board. Unless otherwise directed by the Board, the audit engagement shall include the preparation of a management letter. An audit shall, as required by statutes, also be conducted to certify the reimbursable full-time equivalent student enrollment for the fiscal year. Such audit shall be filed with the Nebraska Auditor of Public Accounts on or before August 15 of each year.

**INVESTMENTS (345.0000.79)**

**Framework for Investments (345.0100.79)**

The Treasurer is authorized to invest temporary idle funds of the College in federally insured financial institutions within the College Area.

Investments shall be made in accordance with current Nebraska statutes and other applicable state laws. When selecting the specific investment, the following shall be taken into consideration:

1) Safety of investment,
2) Length of investment, and
3) Return on investment.

**Certificates of Deposit (345.0200.79)**

If a certificate of deposit is to be purchased by the College, the following guidelines shall be followed:

1) Any bank from which the College purchases a certificate of deposit must meet collateralization requirements of 105% of the investment, less any insurance provided by F.D.I.C.
2) The Treasurer shall annually contact all banks within the College Area to determine indications of their interest in dealing with the College for the purpose of investing funds.
3) When purchasing certificates of deposit valued at less than $100,000, the College should purchase certificates on a rotating basis among those banks offering the maximum rate that have indicated an interest in dealing with the College for investment purposes.
4) When purchasing certificates of deposit valued at more than $100,000, the College shall solicit bids from a minimum of three banks with the certificate of deposit to be purchased from the bank indicating the highest return.

SELECTION OF DEPOSITORIES (350.0000.79)

Deposit of Receipts (350.0100.79)

All receipts shall be deposited promptly in an appropriate bank account insured by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. Account balances exceeding F.D.I.C. or F.S.L.I.C. insurance amounts shall be collateralized.

INSURANCE (355.0000.79)

Property, Casualty, and Liability Insurance Programs (355.0100.79)

The Treasurer shall establish and maintain an adequate property, casualty, and liability insurance program (including Workers' Compensation) to protect the College from liability and to protect insurable College property against major perils such as fire and windstorm. The amount of coverage shall be reviewed annually by the Board.

Other Property, Casualty, and Liability Insurance Programs (355.0200.79)

Other property, casualty, and liability insurance coverage may be established and maintained if required by contract or if deemed appropriate and desirable for the benefit and protection of members of the Board, students, faculty, or staff, or to protect insurable College property against loss by other than major perils. The amount of coverage shall be reviewed by the Board, and bid at three-year intervals.

Employees Bondable (355.0300.79)

The Treasurer is authorized to secure and pay from College funds a commercial blanket bond or surety bond as appropriate and required by current Nebraska statutes. College employees responsible for money or disposable property shall be bonded in an amount of not less than $100,000 by corporate surety approved by the Board. A copy of the bond or bonds shall be filed with the Secretary of State as required by law.

Risk Management Plan (355.0500.87)

The Board is aware of the inherent need of the College to manage the risks that occur in its day-to-day operation. Therefore, the Board hereby establishes a standing subcommittee of four
members of the Board, the President, and the College legal counsel, that will direct the development of a strong, workable risk management plan that will incorporate the following components:

1) A vehicle to recognize the various exposures and possibility of loss to the College;
2) An appropriate system to estimate the probability of loss from all possible sources;
3) established procedures to secure the best and most economical method of managing the risk of loss, whether it be by assumption, self-insurance, avoidance, reduction of hazards, safety training, transfer, commercial insurance, or some combination of these methods;
4) An appropriate system to monitor and review the ongoing administration of the various programs of risk management including the tasks of re-evaluation of the programs, record keeping, exposure identification, commercial insurance trends and practices, and cost containment; and
5) A staff development component that will address reasons and necessity for the risk management plan, and make staff aware of the elements and dangers of liability that exist.

RECORDS MANAGEMENT (360.0000.00)

Identity Theft (360.0100.09)

The Board recognizes the importance of protecting the identity of students, employees, and contractors. Specifically, the Board hereby directs the President to establish an “identity theft” prevention program that complies with all state and federal applicable laws. The purpose of this policy is to comply with the Federal Trade Commission’s ("FTC") Red Flags Rule. The procedure identified within this policy applies to all full and part-time faculty and staff working with records at the College.

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for WNCC. The Committee is headed by a Program Administrator who shall be the President of WNCC or his or her designee. (See Appendix Series 3000 F-1-09) The identity theft 'red flags rule” requires creditors who enter into business arrangements that meet the definition of “covered account” to establish an identity theft program. Although the risk of identity theft is low at WNCC, implementation of a prevention program is in the best interest of our students, employees and others that we serve.
HUMAN RESOURCES (400.0000.79)

This section includes those policies related to human resource administration for all employees.

FEDERAL REGULATIONS (405.0000.79)

Equal Opportunity (405.0100.96)

The College does not discriminate on the basis of race, color, religion, national origin, sex, age, disability, marital status, or military veteran status, as is defined by law, in employment, admission to, or operation of its educational programs and activities, as prescribed by state and federal laws, regulations, and executive orders. Inquiries concerning the application of these laws and regulations to the College may be directed to the College's Equal Opportunity Officer, (Officer's Name) _________________________________ Human Resources Office, or to the Director, Office for Civil Rights, U.S. Department of Education, Washington, D.C. 20201.

Statement on Publications (405.0300.83)

All appropriate publications will contain the following statement: Equal Opportunity Employer. However, in publications where feasible (in terms of time, space, and cost), the entire policy "Equal Opportunity" (405.0100.96) will be included to provide maximum distribution of the policy to interested persons.

RECRUITMENT AND SELECTION OF STAFF MEMBERS (410.0000.79)

Vacancies (410.0100.86)

Announcements of vacancies shall be made with those notifications or media which would be most appropriate for the potential applicant for the position. Recruiting practices shall be conducted in accordance with those anti-discrimination policies as set forth in the Manual of Policies. Any person either seeking employment or presently employed by the College may be required to have a physical examination administered by a physician to determine if the individual is physically capable of performing the duties required of his/her position.

Criteria for Selection (410.0200.79)

Positions will be filled by the most suitably qualified candidates after a full and fair search. Selection shall be based upon the merits of the candidates for the particular position. In considering
ability to do the job, a review shall include, but not be limited to, the work history, attendance record, educational background, and aptitudes of the candidates.

Employment of Family Members (Nepotism) (410.0250.03)

In the hiring of College employees, the College seeks those persons most qualified to fulfill the institution’s teaching and service obligations. Accordingly, members of the same family may be appointed to College positions, except as provided herein, when it has been determined that they are the most qualified candidates for the positions.

For purposes of this policy, a family member shall be defined as a spouse, parent, child, or sibling. Family members of employees will not be considered for employment except in the following situations:

1) in the interests of productivity, equitable treatment of employees, security, and the protection of College resources, the employment of family members shall not be allowed within the same division/department or work area;
2) no individual shall be employed in the department, under the supervision of a family member who has or may have a direct effect on the individual’s progress, performance, or welfare.

Student, adjunct, casual, or temporary employees shall be allowed to work in the same division/department or work area with another family member, provided that the employee does not work under the direct supervision of a family member. In instances where a conflict of interest might occur, under normal operating procedures, the responsibility for the decision will pass to the next higher administrative level. Additionally, employment of a family member of any member of the Board of Governors shall comply with Board Policy number 835.0100.79. Finally, if an employee becomes a family member after initial employment by the College, efforts will be made to find other employment within the College that conforms to this policy.

Active employees who have entered into employment with the College prior to January 1, 2003 under conditions that do not comply with this policy shall have those specific, original conditions exempted from compliance.

The Board reserves the right to waive this policy at any time for appropriate business purposes.

Selection Procedures (410.0300.79)

The Chief Human Resources Officer shall process all applications for employment, arrange
screening interviews, and otherwise monitor the selection procedures to assure compliance with Board policy and state/federal laws.

**Transfer of Employees (410.0350.09)**

Lateral or downward movement of an employee to an open position does not require advertisement outside the College. Employees may be transferred at the will of the President to any position for which they are qualified.

**ALL EMPLOYEES (415.0000.79)**

This section includes those policies related to all employees of the College.

**Policy Manual (415.0100.79)**

Each regular employee of the College shall have routine access to a copy of the Manual of Policies, either by electronic means through the employee’s assigned computer or a paper copy at their workstation. Each employee shall sign, acknowledging receipt or ability to access, and such receipt of said document shall be maintained in the employee's personnel file.

**Credentials (415.0200.79)**

The Human Resources Office is responsible for ensuring that all forms and documents which are required of new employees be executed and received before employment authorization occurs.

**Contracts (415.0300.79)**

Written contracts will be provided for all full-time faculty and administrative/professional employees. The Board shall have final approval of contracts for all full-time faculty and administrative/professional employees.

Full-time administrative/professional employees shall not receive either compensatory time or additional pay for hours spent in any work week exceeding 40 hours.

Contracts for part-time employment may be issued for faculty and administrative/professional personnel employed by the day, by the semester credit hour, or by the clock hour as deemed appropriate and approved by the President within the confines of the approved College budget and pertinent policies of the Board.

**Oath of Office; State and Political Subdivisions; Employees; Form (415.0310.96)**

All persons who are paid from College funds for their services, including teachers and all other employees, shall be required to take and subscribe an oath in writing, before the Chief Human
Resources Officer and file same with the Department of Administrative Services, or the county clerk of the county where such services are performed, which oath shall be as follows:

I, ________________________, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _______________________; according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Employee Leave Year (415.0390.03)
The employee leave year shall be defined as September 1 through August 31 of each year for employee leave, including but not limited to vacation, sick leave, personal leave, family leave, military leave, or other leave that is recorded, calculated, and maintained on annual basis. For the purposes of earning/accruing leave, calculating leave balances, calculating leave earning/accrual maximums, and starting new yearly accruals this established year shall be utilized.

Payday (415.0400.86)
All faculty and administrative/professional employees of the College shall be paid on the 21st day of each month. Should that day fall on a weekend, or an established College holiday (see 415.0600.96), or on a day on which the College will be closed by policies of the Board, payday shall be the last working day prior to the 21st.

All support staff employees (employees paid by hourly wage) of the College shall be paid twice monthly on the 15th and the 30th days of the month. Should either day fall on a weekend, or an established College holiday (see 415.0600.96), or on a day on which the College will be closed by policies of the Board, payday shall be the last working day prior to the 15th and 30th days of the month.

Payroll Deductions (415.0500.95)
Mandatory deductions from salary payments are:
1) federal withholding tax as provided by law; 
2) state withholding tax as provided by law; 
3) retirement program (as provided in the contract with TIAA/CREF); 
4) social security as provided by law; 
5) insurance costs not paid by the Board; and 
6) garnishments.

Optional deductions from salary payments are:
1) annuities that are requested by employees; 
2) any payroll deductions that are given prior approval by the Board such as insurances, annuities, or flexible spending account within the section 125 cafeteria plan; and 
3) loans/bills due the College.

Holidays (415.0600.07)

The following holidays are recognized during the fiscal year for full-time classified employees and the President:

1) Independence Day  
2) Labor Day  
3) Thanksgiving Day  
4) Christmas Day  
5) New Year's Day  
6) Good Friday  
7) Memorial Day  
8) The working days between Christmas and New Year’s Day  
9) 

When a recognized holiday falls on a Thursday, the succeeding Friday will be recognized as a holiday. When a recognized holiday falls on a Tuesday, the preceding Monday will be recognized as a holiday.

When a paid holiday falls on a Saturday, the previous Friday is recognized as a holiday. When a paid holiday falls on a Sunday, the following Monday is recognized as a holiday.

At the discretion of the President/or designee, an employee may be required to work on a designated holiday. Contract (exempt) employees required to work on a designated holiday will not be compensated beyond the individual’s regular pay. Hourly (non-exempt) employees will be compensated for work performed on a designated holiday as substitute time off or pay at the rate of two times regular rate for actual hours worked.

Tenure (415.0700.79)

The College does not grant a recognized tenure.
Code of Ethics (415.0800.79)

The College employees are expected to maintain a level of personal and professional behavior consistent with their position in the College and the community.

Employees are expected to maintain a professional attitude toward students, colleagues, and the community.

Discrimination, Harassment or Retaliation–Employee (415.0850.12)

The Board is committed to providing a college environment free from harassment, discrimination and retaliation. Specifically, the College, its students, its employees and its clients/guests shall not participate in any harassment, discrimination or retaliation based on any protected class of individuals as covered by College policies.

As such, no College student, College employee, nor College Guest/Client shall engage in discrimination, harassment or retaliation toward another student, employee, or guest/employee.

Examples of prohibited conduct include, but are not limited to, the following:

- Sexual harassment, defined to include unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual unwelcome conduct of a sexual nature.

- Harassment or discrimination is defined to include verbal, physical or other conduct of a nature which is offensive to a person based on legally protected classes such as race, color, gender (sex), age, religion, marital status, national origin, disability, and veteran’s status, and sexual orientation or other factors which cannot be lawfully protected.

- Retaliation against any person for filing a charge or complaint of prohibited conduct.

- Retaliation against the respondent in a charge or complaint of prohibited conduct.

Prohibited harassment or discrimination includes any conduct or behavior of an inappropriate nature where:

- Submission to the conduct is made either explicitly or implicitly a term or condition of academic success, employment, activity participation; or

- Submission to or rejection of the conduct by an individual is used, threatened, or suggested to be used as the basis for academic decisions; employment decisions, activity participation, or

- Such conduct has the purpose or effect of substantially interfering with a student’s, employee’s, or client’s/guest’s performance/work/participation or creating a hostile, intimidating or offensive atmosphere.

Any employee, who under the policy set forth herein, is found to have engaged in
discrimination, harassment or retaliation toward a student, employee, or guest/employee will be subject to disciplinary sanctions, which may include, but not be limited to, written reprimand, demotion, transfer, required professional counseling, and/or termination of employment.

Any employee believing that he or she has been subject to prohibited harassment, discrimination, or retaliation, or has witnessed what they believe to be prohibited harassment, discrimination, or retaliation, as set forth in this policy shall file a complaint utilizing Series 4000, Appendix C-1-01—Discrimination, Harassment or Retaliation Complaint: Operating Procedures—Employee.

**Jury Duty (415.0900.79)**

Leave with pay shall be authorized for any employee who is officially required to report for jury duty or who is subpoenaed in litigation to which he/she is not a party, except litigation to which the employee is a party by reason of his/her employment with the College.

**Ongoing Outside Employment (415.1000.79)**

Outside employment by a College employee will be permitted provided it does not affect his/her regular duties and responsibilities at the College.

**Political Activities/Controversial Issues (415.1100.79)**

The College adopts the position that, in a world of rapid change and recurrent crises, a college best serves the community not as a stronghold of rigid tradition, but as an open intellectual forum where varying shades of opinion may be freely expressed and fairly debated. Positive values evolve from a free exchange of ideas among broadly informed citizens, and the progressive evolution of American institutions may depend upon their quality of flexibility in meeting the changing social and economic needs. In support of these ideals, the College adopts the following policy guidelines concerning the propriety of employee conduct within the institution and relating to dialogue of controversial issues:

1) In discussing controversial matters in the classroom, faculty should proceed in a fair and scholarly manner. Faculty members must not use the classroom for the purpose of soliciting support for any political candidate, program, or organization.

2) Outside the College realm, employees speak and write as citizens and should be free from institutional censorship or discipline. However, their special position in the community does impose special obligations. Employees should remember that the public may judge their professional and institutional appearance by their utterances. Therefore, they should at all times be
accurate, should show respect for the opinions of others, and should make every effort to indicate that they communicate as individual citizens, not as institutional spokespersons.

Responsibility for Maintaining Files (415.1200.79)
All personnel files shall be kept and maintained as needed in the Human Resources Office at the College.

Confidentiality of Records (415.1300.79)
The College shall establish an official personnel file for each employee. Confidentiality of the official personnel file shall be maintained at all times with access limited to the individual employee, his/her supervisor, administrators having employee evaluation responsibilities, the staff in the Human Resources Office, the President, or his/her designee, and the Board, or its designees. Requests for information other than employment information permitted by law to be released shall not be honored without written permission from the employee, except pursuant to court subpoena or other action authorizing its release.

The President is authorized to establish procedures consistent with this policy for placement, use, and retrieval of documents in the personnel files. Such procedures are to be consistent with any applicable rights to privacy laws.

Maintaining Current Files (415.1400.79)
All college employees shall provide the Human Resources Office with all necessary transcripts, letters of reference, and resumes of work experience, teaching credentials, and other pertinent materials as may be required by the President for maintaining a complete and current personnel file.

Dismissal (415.1500.79)
The Board may suspend or dismiss an employee for incompetence, immorality, intemperance, cruelty, crime against the laws of the State of Nebraska, neglect of duty, general neglect of the business of the College, unprofessional conduct, or physical or mental incapacity. Notice of dismissal or suspension shall be given in writing by the Secretary of the Board. Such notice shall include the reasons for suspension or dismissal. Any discharged employee desiring a hearing before the Board may obtain a hearing by a request made in writing and delivered to the Board within five days after receiving said notice. The Board shall hold the hearing not less than ten days after the
request for a hearing has been received. Notice of time and place of said hearing shall be delivered to the employee by registered mail. The employee will be similarly notified of the decision of the hearing.

Transfer of Sick Leave between Employees (415.1600.06)

The Board recognizes that employees may need special consideration and assistance for immediate time- off from work to deal with prolonged personal and familial health concerns. In accordance with the College Sick Leave policies and related provisions of the WCCA Negotiated Agreement, this policy establishes guidelines and procedures for transferring sick leave to full-time employees who personally experience a continuing disability due to illness or injury; or whose immediate family member experiences a continuing disability due to illness or injury and as such the employee is required to take leave to care for the disabled family member.

I. Eligibility Criteria for Receiving Sick Leave

In order to receive sick leave donated by another employee, all of the following criteria must be met. The recipient must (1) be a full-time employee, (2) have used all accumulated sick leave, personal leave, compensatory time, and vacation leave, (3) full-time employee or his/her immediate family member has a continuing disability resulting from personal illness or injury and be unable to work, and (4) not be receiving any other form of compensation including social security disability benefits, long-term disability benefits, or workers’ compensation benefits.

For purposes of this policy, family member shall mean spouse, child(ren), or parent of employee. The College President may determine eligibility and the extent of sick leave that may be transferred based on a case-by-case basis based upon medical need and determination of primary caregiver.

Before an employee is eligible to receive donated leave, his or her physician must provide current certification that the employee has a disability resulting from personal illness or injury and is unable to work. Before an employee is eligible to receive donated leave for immediate family members that experience a continuing disability due to illness or injury, the family member’s physician must provide current certification that the employee will be needed to provide care for the disabled family member.

Upon determination by the College President or his/her designee of eligibility and the extent of sick leave that may be transferred, the employee may be eligible to receive up to the number of days he/she would have otherwise earned had the current disability or illness not occurred. The
maximum amount that may be transferred to an employee is limited to 90 days per illness or disability for which the employee would otherwise not be paid as stated above. Recipients shall continue to accrue leave and service while utilizing donated sick leave in accordance with the provisions of Board policy.

II. Criteria for Donating Leave

Faculty and non-faculty employees may donate to sick leave to any other full-time employee regardless of designation.

In order to donate sick leave to another full-time employee, the donating employee must have a current balance of 40 sick leave days. In addition, the donor must agree to donate a minimum of 5 days of accrued leave. The maximum amount of sick leave which an employee may donate shall be 15 days for any individual donation. An employee may donate more than one time to a single individual. Regardless of the circumstance, the donating employee must maintain a balance of at least 35 days.

III. Criteria for Requesting Sick Leave Donation Assistance

Employees requesting sick leave donation assistance shall first contact their supervisor about their request. Once the employee has notified their supervisor, the employee shall formally request assistance from the Chief Human Resources Officer. The Chief Human Resources Officer shall review the request for eligibility in accordance with Board policy and assist the employee in processing their request.

Employees shall refrain from directly contacting or soliciting other employees for the purpose of persuading or compelling employees to donate leave.

IV. Procedural Guidelines

In order to facilitate sick leave transfer between employees, the following procedures shall be followed:

A. The donating employee (donor) must complete a Sick Leave Donation Agreement (see Appendix A) stating the name of the recipient and the amount of leave being donated. This form must be signed and witnessed by the Chief Human Resources Officer.

B. Following all verification that (1) the recipient is eligible to receive donated sick leave and (2) the donating employee is eligible to make the donation, the College President or his/her designee shall be authorized to approve or disapprove the request. A copy of the agreement will be placed in both the donor and recipient's personnel files, and the original will be retained by the Human
C. The Sick Leave Donation Agreement will be dated and time stamped in the order received. This will determine the order in which sick leave will be deducted from the donor’s sick leave balances where there are multiple donors for a single individual.

D. The recipient will be notified of the amount of leave that has been donated.

E. Before the initial transfer of leave is completed, the Human Resources Office will verify that the recipient or immediate family member has provided current certification from his/her health care provider that he/she continues to be unable to work. A current medical certification may be required prior to the transfer of sick leave for subsequent days of donated leave.

F. Prior to deducting leave from a donor, the Human Resources Office will verify that the donor has at least forty days of sick leave accumulated. If the donor does not have the requisite forty days, the leave donation request shall be voided.

G. Payment of the donated leave will be paid at the lesser of the pay rate of the donor or the recipient’s established rate of pay. However, this rate may be changed due to any pay increases which occur during periods of donated leave.

Acceptance of Gifts (415.1900.79)

No employee of the College will accept gifts from any person, group, or entity, desiring to do business with the College. All business related gratuities are specifically prohibited, except for advertising items widely distributed of nominal value.

Care of College Property (415.2100.82)

An employee is expected to exercise due care in his/her use of College property and to utilize this property only for authorized purposes. Negligence in the care and use of College property may be considered cause for disciplinary action. College property is defined as all equipment, materials, facilities, or vehicles that are owned by the College.

Unauthorized removal of College property from the premises, or unauthorized use of College property, is considered forbidden.

Copyright Policy (415.2150.91)

It is the intent of the Board to adhere to the provisions of the current copyright laws and Congressional guidelines.

The Board recognizes that unlawful copying and use of copyrighted materials contribute to
higher costs for materials, lessens the incentives for development of quality educational materials, and fosters an attitude of disrespect for law which is in conflict with the educational goals of this postsecondary institution.

The Board directs that College employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights," and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

The Board further directs that:

1) Unlawful copies of copyrighted materials may not be produced on College-owned equipment.
2) Unlawful copies of copyrighted material may not be used with College-owned equipment, within College-owned facilities, or at College-sponsored functions.
3) The legal and/or insurance protection of the College will not be extended to employees who unlawfully copy and use copyrighted materials.

Employees who make and/or use copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide their supervisor, upon request, the justification under Sections 107 or 110 of USC 17 for copies that have been made or used.

Employees who use copyrighted materials which do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:

1) The materials have been purchased from an authorized vendor by the individual employee or the College and a record of the purchase exists.
2) The materials are copies covered by a licensing agreement between the copyright owner and the
3) The materials are being reviewed or demonstrated by the user to reach a decision about possible future purchase or licensing and a valid agreement exists which allows for such use.

Though there continues to be controversy regarding interpretation of the copyright laws, this policy represents a sincere effort to operate legally. Employees seeking information concerning copyright laws and regulations should contact the Library Director on the Scottsbluff Campus, or the Learning Resources Coordinator at the Sidney Campus.
Creative & Scholarly Works (415.2175.92)

Objectives
1) This policy has been established to accomplish the following objectives:
2) To encourage creative and scholarly work by employees and/or contractors of the College. These efforts increase the prestige and visibility and better the educational environment for all segments of the College community.
3) To protect the potential equities of the College, its faculty and staff employees in discovery.
4) To advance and encourage artistic endeavors within the College.

Policy
1) The originator shall maintain all rights to his/her creative efforts when this work is done without expending any direct College resources.
2) The College shall maintain only those rights to creative and scholarly efforts of an individual for which the College has specifically contracted. In all other instances, the originator shall have all rights to said creative efforts.
3) In those cases where direct College expenses are incurred in the creation of such works, a contractual agreement between the originator and the President, or his/her designee, will set forth the rights of both the College and the originator prior to the beginning of such work.
4) Use of College resources for private endeavors, including but not limited to use of audio-video equipment without prior approval of the President, or his/her designee, shall be grounds for disciplinary action.

Rationale
It is the intent of this policy that, when both the originator and the College expend resources, both the College and the originator shall share the direct benefits of such creative work. The actual proportion of benefits to be derived by each shall be considered on a case by case basis, taking into account the resources expended by each.

Health and Safety 415.2200.08

The College encourages and supports programs which promote safety, good health, and well being of the College community. This policy endorses efforts which ensure the quality of occupational and community environments while participating in College sponsored and work related activities. It shall be the responsibility of the President, or his/her designee, to promulgate rules that will enhance the health and safety of employees, students, and general public for activities that take place on College property, in accordance with state and federal laws and regulations.

It is the policy of the College to promote good health, well being, and occupational safety for its faculty, employees, and students. This policy endorses programs which:

1) Provide safe and healthful conditions and reduce injuries and illnesses to the lowest possible level;
2) Assure compliance with federal, state, and local regulations providing for occupational safety;
3) Provide information, training, and safeguards to faculty, staff, and students regarding health and
4) Install and maintain facilities and equipment in accordance with recognized and accepted standards essential to reduce or prevent exposure to safety/health hazards for the College’s faculty, staff, and students;
5) Provide appropriate personal protective equipment to employees for use in the performance of their assigned work;
6) And, arrange for medical services as may be dictated by the existing circumstances and as required by law.

It shall be the responsibility of all employees, students, and general public to follow all necessary health and safety rules and to report any health and safety hazards to the appropriate College authority.

**All Hazards Response Plan (415.2205.08)**

It is the full intent of the Board to maintain a place of employment, educational activity, or community program that is free from safety or health threat and that supports the welfare of its students, faculty, and staff. The President/or designee, shall be responsible for the development and implementation of an *All Hazards Response Plan* that creates an effective response to, and recovery from, emergencies. The plan shall be developed and implemented in accordance with all appropriate laws and regulations that govern crisis/emergency preparedness.

The Board therefore, expects the President/or designee, to act as the Commander in *All Hazards* situations. Further, the Board expects the College and its divisions, individual departments, and centers to be actively trained and engaged in the emergency plan. This policy includes a chain of command establishing the authority and responsibilities of campus officials and staff members, and requires that the College and its divisions, individual departments, and centers designate emergency “zone” coordinators with the authority to enact the appropriate response as directed and designated in the *All Hazards Response Plan*.

The Board is committed to protecting its community members, intellectual property, and facilities; minimizing the impacts of emergencies; and maximizing the effectiveness of the campus community in responding to and recovering from emergencies. Additionally, the College is committed to communicate and provide notification to its members of the College community in a timely and appropriate manner through internal and external communication channels.
Eye Safety Wear and/or Appliances (415.2210.92)

The Board recognizes the need for employees working in hazardous areas to wear appropriate eye safety wear. Accordingly, the Board will assist employees by providing up to $170 toward the purchase of non-prescription safety glasses or prescription safety glasses that meet qualified safety standards. These standards shall conform with the American National Standard Institute (ANSI). Reimbursement will be provided for employees that regularly work in an environment that necessitates eye safety wear. The Board will provide reimbursement for eye safety wear according to the following guidelines:

1) The College will provide reimbursement of up to $170 toward the initial purchase of non-prescription and prescription eye safety wear.
2) To receive reimbursement:
   a) the employee must document that lenses and frames meet the ANSI safety standard; and
   b) the employee must present documentation of receipt of purchase of ANSI safety standard eye wear.
3) The College will not bear the cost for related eye examinations, tests, treatments, or any other cost associated with the fitting of eye wear.
4) The employee will be fully responsible for service, maintenance, care, and/or the replacement of said eye wear.
5) In specific on-the-job circumstances where the eye appliance has been damaged in actual protection of the employee's eyes and where the employee has followed proper safety precautions, the President will review the circumstances, and, dependent upon the findings, provide a reimbursement of up to $170 to the employee for replacement of the damaged glass, frame, or both.
6) It shall be the sole responsibility of the employee to wear said eye wear in designated eye hazard areas or when working with tools, equipment, or material that cause a hazard to the eyes. Eye wear that does not meet proper safety standards will not be allowed as a substitute in these areas or circumstances. Failure to follow proper eye safety procedures may result in disciplinary action.

Hazardous Materials (415.2220.93)

The Department of Occupational Safety and Health Administration requires the establishment of a written Chemical Hygiene Plan (CHP) for the College (Federal Law 29CFR, Part 1910). In accordance with federal and state laws and regulations, the Board hereby directs the President to establish a CHP that will promulgate rules for the safe handling, storage, and disposal of hazardous materials/chemicals. Further, the CHP will provide appropriate directives for dealing with specific hazardous chemical substances.
It is the responsibility of every member of the College community, including all employees and students, to strictly adhere to all rules, directives, and procedures identified in the CHP.

Environmental Management (415.2225.07)

The Board of Governors hereby affirms the responsibility of the College, including the College community of faculty, staff and students, to take a leadership role in conducting activities as stewards of the environment in its educational activities and programs to promote environmental awareness, regional action, and global cooperation.

In concert with the College’s role in the region, the College community will strive to:
Conserve natural resources and support the concept of sustainability;
Conduct affairs in a manner that safeguards the environmental health and safety of students, faculty, staff, and surrounding communities;
Reduce the use of toxic substances and recycle those wastes that cannot be avoided.
And, purchase renewable, reusable recyclable and recycled materials.

In concert with the College’s educational mission, the College community will strive to:
Foster an understanding of and a responsibility for the environment;
Ensure that individuals are knowledgeable about the environmental and health issues that affect their individual field or discipline and the College as a whole;
Conduct teaching and training in an environmentally responsible way;
And, provide a forum for the open flow of information and communication among governments, organizations, business/industry, and academia to discuss and study environmental issues and their relationships to other social issues.

In the arena of student and employee relations, the College will strive to:
Promote individual responsibility and guide action for ensuring environmental improvements and minimizing adverse environmental impacts in the everyday work of individual faculty, staff, and students.
Finally, the College will initiate, promote, and conduct programs that implement the intent of this policy throughout the College, the region, state, and the larger global community.

Inclement Weather & Emergency Closures (415.2230.08)
**Purpose**

To outline the means by which the College affects closures due to severe or inclement weather conditions or other emergency situations in accordance with Board of Governors Manual of Policies and the Fair Labor Standards Act.

**Scope**

Full-time regular classified employees and faculty or other professional employees at the College with 12-month contracts, including those located at the Scottsbluff, Alliance, and Sidney campuses, are covered under this policy.

**Policy**

The President/designee has the authority to close the entire institution, to declare geographic emergencies, and close campuses due to inclement weather or other emergencies. Official start and end times for the closures will be determined by the president/designee.

Work time lost during an inclement weather/emergency closure will be considered regular work time for pay purposes and will not require time be charged to leave, nor will there be a requirement that the time be made up. Absence from work due to weather or other personal emergency, outside of the period designated by the President/designee as an inclement weather/emergency closure, must be charged to an employee's accrued time, other than sick leave; or, with supervisory approval, made up within the same workweek.

Employees may be required to work during an inclement weather/emergency closure by the President/designee. Exempt employees required to work during an inclement weather/emergency closure will not be compensated beyond the individual’s regular pay. Non-exempt employees will be compensated for work performed during an inclement weather/emergency closure as substitute time off or pay at the rate of one and one-half for actual hours worked. All work should have the prior approval of Supervisor and the appropriate/related executive administrator before beginning actual work. Inclement weather/emergency closure compensation is separate from overtime compensation and as such should be reported separately on payroll time sheets. An employee’s immediate supervisor is responsible for the accurate reporting, payment and accrual of time worked during an inclement weather/emergency closure.

**Procedure**

Additional information regarding the implementation of this policy can be obtained in the Inclement Weather and Emergency Closures procedures in the Staff and Faculty Handbook and Student Handbook.

**Responsibility For Implementation**

The President/designee is responsible for determining when to close and/or reopen a campus due to inclement weather or emergency condition.
Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection have caused a nationwide health crisis. An educational approach and preventive measures are crucial in order to control the rapid spread of HIV infection. AIDS is a serious illness which is spread from one person to another primarily by sexual contact and contact with the blood or body fluids of an HIV-infected person. The risk of contracting the virus in a school setting is extremely low; however, based upon the probability that the College may, in the future, become aware that a student or staff member is seropositive for HIV, it is prudent that the College develop written guidelines in advance for dealing with the situation.

Fundamental to the College's response to AIDS is its desire to respect the rights and concerns of those who are HIV-infected or who have AIDS, as well as those who are currently free of these conditions. Education, understanding, and compassion on the part of each College employee and student are crucial if we are to deal effectively and responsibly with these issues.

The most recent information distributed by the Center for Disease Control, U.S. Department of Health & Human Services, states that casual contact with persons with AIDS or persons who might be at risk for the illness does not place others at risk for acquiring the infection. AIDS is spread by sexual contact, needle sharing, infected mother to child, or less commonly through blood or its components.

The College shall treat the person who has contracted HIV infection or AIDS the same as students and staff with communicable diseases. Persons with AIDS or other diseases will be permitted to work at and/or enroll in courses at the College unless the student or staff member's personal physician or state or federal public health officials declare that the disease represents a substantial risk to the health and safety of other members of the community. In such instances, appropriate measures will be taken to protect the institution and the individual. HIV-infected employees shall continue working as long as they do not pose a safety or health threat to themselves or others within the work place. Where medical conditions impair the employees' medical abilities to perform, they are to be treated in the same manner as employees who suffer from some other illness or disability. Employees and students with HIV infection may be entitled to "reasonable accommodation" under the Rehabilitation Act of 1973. Consideration in this matter will be given by the College on a "case-by-case" basis.

Legal and ethical considerations mitigate against the adoption of any policies or courses of
actions which would deny ordinary privileges and rights, including that of privacy to students, faculty, or staff members who are known or suspected to be infected with HIV.
No information concerning an individual person's medical conditions will be released to the general public. In the event that a personal physician or state health department officials determine that an individual's medical condition represents a public health hazard thus warranting limitation of activities, only essential College personnel will be informed, on a "need-to-know" basis.

The College will disseminate accurate and objective educational information on HIV and AIDS to the College service area. In addition, the College will provide educational programs concerning HIV and AIDS, based upon currently available medical information.

The College, by and through the Board, does hereby authorize the President to institute guidelines and procedures for students and staff consistent with the guidelines issued by the Center for Disease Control for the prevention of transmission of HIV and other communicable diseases.

**Drug-Free Workplace (415.2300.89)**

The College affirms its responsibility and commitment to maintain a drug-free workplace strictly according to the terms and conditions of the Drug-Free Workplace Act of 1988. The College is obligated to provide a drug-free, safe, healthy, and secure workplace for employees.

The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on College property or while conducting College business off-premises. Any employee convicted of a criminal drug offense under the above conditions is subject to appropriate personnel action up to and including termination or satisfactory participation in a drug rehabilitation program.

The College does hereby establish drug-free awareness programs to be implemented through the President which shall inform all employees about:

1) the dangers of drug abuse in the workplace;
2) the College's policy of maintaining a drug-free workplace;
3) drug counseling, rehabilitation, and employee assistance programs; and
4) appropriate personnel actions and penalties which may be imposed for drug abuse violations.

This policy applies to all faculty, staff, or student employees; and all employees, as a condition of employment, must abide by the terms of this policy and must also report any criminal drug conviction within five days after the conviction to their immediate supervisor. This includes any drug violation occurring on or off College premises while conducting College business.

**Employee Exchange (415.2400.89)**
In support of its commitment to provide opportunities for revitalization and renewal of its faculty/administrative/professional staff and to provide alternative means for staff development, the Board hereby adopts the following policies and considerations for implementation of a program for employee exchange.

**Eligibility**

1) An eligible participant must be a full-time regular employee who has been employed with the College for a period of at least six years.
2) A faculty participant must have the approval of the Division Chairperson before applying for an exchange.
3) An administrative/professional staff participant must have the approval of the immediate supervisor before applying for an exchange.
4) A potential participant must additionally have the approval of the appropriate Chief Instructional Officer and the President before applying for an exchange.
5) An incoming faculty participant must be approved by the Division Chairperson, the Chief Instructional Officer, and the President.
6) An incoming administrative/professional staff participant must have the approval of the appropriate institutional officers prior to an exchange.
7) All exchanges must be approved by the Board prior to implementation.

**Assurance of Non Discrimination**

The College does not discriminate on the basis of race, color, religion, national origin, sex, age, disability, marital status, or military veteran status, as is defined by law, in employment, admission, or operation of its educational programs and activities.

**Number of Exchanges**

1) The number of exchanges which occur at the College will be approved by the President, or his/her designee, based upon the availability of resources and the effect of the exchange upon the teaching and service functions of the College.
2) The President will determine whether or not an outgoing exchange participant will be replaced by:
   a) an incoming exchange participant in his/her department or unit;
   b) an exchange participant in another specified department or unit;
   c) an exchange in any department or unit; or
   d) replacement costs may be acceptable instead of an incoming exchange person.

**Length of Exchanges and Extension of Exchange**

The length of an exchange will not exceed one year. Any exception to this policy must be approved by the Board.

**Compensation**

1) The College will continue to pay an outgoing participant his/her regular salary and fringe benefits subject to the normal deductions.
2) An incoming participant will be paid by the sending institution. Nothing contained in this policy shall establish an employer/employee relationship between the College and the incoming participant.

Promotion and Other Personnel Considerations

1) Participation in an exchange will not affect an employee's position or commensurate salary upon return.
2) The period of exchange for a faculty/administrative/professional employee will count toward the years accrued for sabbatical eligibility. However, a faculty/administrative/professional employee who has been on an exchange shall not be eligible for sabbatical leave during the year following the period of exchange.

Exchange Assignment and Obligation

The assignments, obligations, and other understandings for an exchange participant for the period of exchange will be detailed in a memorandum of agreement which must be signed by the President, or his/her designee.

Facilities and Resources

The College will provide to an incoming participant the same access to opportunities and resources as it does for its own employees, including, but not limited to, travel pay, office space, clerical assistance, and staff development services. Any exceptions or prohibitions will be stated in the memorandum of agreement.

Housing and Relocation

The College will provide neither housing nor relocation cost for incoming or outgoing participants. The College will, however, attempt to aid the incoming exchange participant in the identification of and methods for securing housing.

Exchange Commitments

The Board reserves the right to amend, modify, or terminate this agreement at any time at the discretion of the Board.

Other Considerations

Procedures developed to implement the exchange program will be developed by the Chief Instructional Officer and implemented under the direction of the President, or his/her designee.

Family and Medical Leave (415.2500.09)

The purpose of this leave is to promote and recognize the need for an employee to balance
both the employee’s work and family obligations; to permit unpaid time off to eligible employees for
their own serious illnesses; to care for newborn or newly adopted children; or to care for seriously ill,
close family members.

As used herein in this section, the following terms shall have the following meaning:

1) The term “son” or “daughter” shall mean the employee’s biological child, adopted
child, foster child, stepchild, legal ward, or a child for whom the employee stands in
loco parents if the child is less than 18 years of age or over but incapable of caring for
himself or herself due to a physical or mental disability.

2) The term “parent” shall mean the employee’s biological parent or any person who has
stood in loco parentis to the employee.

3) The term “serious health condition” shall mean an illness, injury, impairment, or a
physical or mental condition that requires inpatient care in a hospital, hospice, or
residential medical facility or continuing treatment by a health care provider.

Subject to certain conditions, the continuing treatment requirement may be met by a period of
incapacity of more than three (3) consecutive full calendar days combined with at least two visits to a
health care provider or one visit and a regimen of continuing treatment, or incapacity due to
pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of
continuing treatment.

All employees who have worked for the College for at least 12 months and who, during the
12-month period preceding the leave, have worked for the College for at least 1,250 hours, shall be
eligible for Family and Medical Leave.

Eligible employees shall be permitted to take up to 12 work weeks of unpaid Family and Medical
Leave in any 12-month period commencing September 1st through August 31st, for any of the
following reasons:

1) The birth of a child to the employee or the employee’s spouse.
2) The placement of a child with the employee for adoption or foster care.
3) The need to care for a spouse, son, daughter, or parent with a serious health condition.
4) A serious health condition that causes the employee to be unable to perform his or her
job functions.

MILITARY FAMILY LEAVE ENTITLEMENT:

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active
duty status in the National Guard or Reserves in support of a contingency operation may use their 12-
week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include
attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may also take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty. The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**BENEFITS AND PROVISIONS:**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the College’s operations. Leave due to qualifying exigencies may also be taken on a intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the College’s agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When both parents of a newborn child or both adoptive or foster parents of a child recently placed for adoption or foster care are both employed by the College, the College shall be required to provide a combined total of not more than 12 work weeks of leave to the two employees when leave is taken pursuant to sections (1) and (2) immediately preceding this paragraph.

Unpaid Family and Medical Leave may be taken as follows:

1) To care for a family member with a serious health condition or for an employee’s own serious health condition when medically necessary and the employee has satisfied the notification, scheduling, and reporting responsibilities of this policy. Such leave may be taken intermittently or on a reduced leave schedule.

2) For the birth or placement for adoption or foster care of a child within 12 months of the birth or placement. Such leave may not be taken on an intermittent or reduced leave basis except with the approval of the President.

Employees shall be required to substitute accrued paid leave for all or part of the unpaid
Family and Medical Leave as follows:

1) When the leave is taken to care for a newborn or newly placed child or to care for a family member with a serious health condition, any accrued vacation leave or sick leave shall be substituted for unpaid leave at the rate of one hour of unpaid leave for each hour of substituted paid leave.

2) The College requires employees to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the College’s normal paid leave policies. FMLA leave and disability benefit shall run concurrently. If an employee fails to follow the College’s policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.

When taking Family and Medical Leave, the employee shall have the following responsibilities:

1) When the need for Family Leave is foreseeable because of an expected birth or placement of a child for adoption or foster care, the employee must give 30 days prior notice of the need for leave. If the birth or placement is not anticipated this far in advance, the employee must provide as much notice as practicable.

2) When the need for leave is due to the serious health condition of the employee or the employee’s family member, and the need for leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the College and must provide at least 30 days prior notice of the leave, unless the treatment date requires leave to be taken in less than 30 days, in which case the employee must provide as much notice as is practical.

An employee on Family and Medical Leave shall report on his or her status and intention to return to work on a weekly basis to the Chief Human Resources Officer.

An employee who takes Medical Leave due to the employee’s own serious health condition or the serious health condition of a family member shall provide a medical certification from a health care provider before the leave begins, if possible, or as reasonably soon after the leave begins, if prior certification is not possible. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the College for payment of insurance premiums during leave.

All medical certifications must, at a minimum, contain the following information: The date on which the serious health condition began and the probable duration of the condition. If the employee’s serious health condition is involved, the certification must state the employee is unable to perform the functions of the employee’s job. If a family member’s serious health condition is involved, the certification must state that the employee is needed to care for that family member.
In cases of intermittent or reduced leave schedule, the certification must contain the following additional information: If the leave is for planned medical treatment, it must state the date on which such treatment is expected and the duration of the treatment; If the leave is for a serious health condition that renders the employee unable to perform the functions of the employee’s job, it must explain the medical necessity for leave on an intermittent or reduced leave schedule and the duration of such leave. If the leave is to care for a family member with a serious health condition, it must state that the intermittent or reduced leave schedule is necessary to care for the family member and set forth the expected duration of the leave.

The College may require second and third medical opinions at the College’s expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the College’s attendance guideline. Employees on leave must contact the Human Resource Manager at least two days before their first day of return.

Before reinstating an employee returning from a leave for his or her own serious health condition, the employee must provide a medical certificate stating that the employee is medically able to resume his or her employment.

Full-time employees shall have the following benefits while on leave:

1) Insurance. While an employee is on Family and Medical Leave, the employee shall be entitled to continue insurance coverage on the same terms as if the employee were not on leave. That part of insurance premiums paid by the employee must be paid to and received by the College on or prior to the last business day of each month in order to keep such coverage in effect. If an employee fails to return to work after Family and Medical Leave, the employee shall be liable to the College for the premiums paid by the College during the employee’s leave unless the failure to return is due to the serious health condition of the employee or his or her family member, or is, for any reason, beyond the control of the employee.

2) Other Benefits. While on Family and Medical Leave, the employee shall not accrue seniority or benefits such as vacation leave, personal leave, sick leave, and shall not be eligible for any pay increases. Employees shall not be entitled to any right, benefit, or position of employment other than that to which the employee would have been entitled had him or her not taken Family and Medical Leave.

Upon the employee’s return to employment, the employee shall be reinstated to his or her position or any equivalent one with the College, with equivalent pay, benefits, and other terms and conditions of employment.
Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer’s jury duty pay are not granted on unpaid leave. Paid leave does not accrue during Family Medical Leave.

The Family Medical Leave Act makes it unlawful for the College to:

1) Interfere with, restrain, or deny the exercise of any right provided under FMLA, and
2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the College.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family and medical leave rights.

**SUPPORT STAFF (420.0000.96)**

This section includes policies related to those employees of the College whose duties and responsibilities are college-supportive, non-teaching, and non-managerial in nature. These employees work by the hour.

**Employment/Termination (420.0100.96)**

The President shall have the authority to employ or terminate support staff employees. Employment for any individual in a support staff position is terminable at the will of the President at any time and for any reason not protected by law. This Manual of Policies shall not be construed as a contract of employment between the College and its support staff employees. At-will employment can only be amended by a written agreement between the President and employee to amend the at-will nature of the individual employee's employment with the College.

**Probation (420.0200.86)**

A support staff employee shall be considered on probationary status during the first 90 working days of his/her initial employment or position change. Continuation of his/her employment after this period is dependent upon mutual satisfaction of the employee and the College. If, during this probationary period, an employee's work is not satisfactory, he/she shall be notified that employment will be terminated at the discretion of the College. Upon completion of the
probationary period, an evaluation shall be performed as established by Policy number 420.0300.86 of the manual herein.

**Evaluation (420.0300.86)**
Each support staff employee shall be evaluated one time during the fiscal year except where unsatisfactory performance warrants additional evaluations. This evaluation is intended to improve performance and provide a rational basis for salary increases. Evaluation is to be completed by the direct supervisor. Evaluation procedures and forms shall be kept on file in the Human Resources Office.

**Absence (420.0400.79)**
An absence from work must be reported directly to the immediate supervisor, or his/her designee. Failure to properly notify the immediate supervisor will result in a loss of pay equal to that proportion of the employee's salary attributable to the time gone. Excessive absences could lead to dismissal.

**Resignations (420.0500.79)**
In the event that a support staff employee should desire to leave the employment of the College, it shall be his/her responsibility to provide his/her immediate supervisor and the Chief Human Resources Officer with a letter of resignation to include the effective date of such resignation.

**Salary (420.0600.86)**
Each employee of the support staff should be classified by pay range according to the established classification system and paid according to its provisions.

**Hours (420.0700.79)**
Working hours for each employee shall be determined by the employee's supervisor. The College makes a continuous effort to maintain fair procedures covering normal working hours. However, the employee should realize that unusual circumstances may require his/her services at odd hours on occasion. Any duty hours exceeding a 39-hour week shall be compensated at an overtime rate of either one and one-half times the regular hourly wage or one and one-half hours of time off for each hour worked. No overtime shall be allowed without prior approval of the President, or his/her designee (in accordance with the Fair Labor Standards Act of 1938 and amendments of 1966, 1972, 1974, 1985, and 2004).
Vacation (Full-Time Support Staff only) (420.0800.88)

Vacation shall be calculated at the following rates for all full-time support staff: .84 vacation days per month for every month of service up to the 7th anniversary of employment, with a maximum accrual of 10 working days; .92 vacation days per month for every month of service after the 7th anniversary of employment to the 9th anniversary of employment, with a maximum accrual of 11 working days; 1.00 vacation days per month for every month of service after the 9th anniversary of employment to the 11th anniversary of employment, with a maximum accrual of 12 working days; 1.08 vacation days per month for every month of service after the 11th anniversary of employment to the 13th anniversary of employment, with a maximum accrual of 13 working days; 1.17 vacation days per month for every month of service after the 13th anniversary of employment to the 15th anniversary of employment, with a maximum accrual of 14 working days; 1.25 vacation days per month for every month of service after the 15th anniversary of employment, with a maximum accrual of 15 working days. Years of service shall be calculated upon continuous full-time employment only. Vacation leave must be approved by the College administration. Should vacation days earned reach a maximum accruable amount, the employee shall have until the end of the fiscal year to reduce his/her accrued vacation.

Vacation, Required (Full-Time Support Staff only) (420.0850.86)

Employees who hold positions that perform pecuniary functions such as Accounting Technician, Senior Accounting Clerk, Accounting Clerk, Accounting Assistant or any other position that is responsible for performing financial transactions, shall be required to take vacation so as to be absent from the College seven consecutive calendar days at least once during the fiscal year. Vacation shall be taken in accordance with policy number 420.0800.88.

Separation Pay (420.0900.79)

At the time of separation, it shall be the policy of the Board to pay the employee for all unused vacation and compensatory time, at his/her regular hourly rate.

Grievances (420.1000.81)

Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix B-1-82.)

Sick Leave (Full-time Support Staff only) (420.1100.82)

Provision is made for 12 days sick leave per year, accumulative to 90 days, earned at rate of 1
day per month for each month worked. Sick leave is granted for personal illness, accident, or disability (includes pregnancy related medical conditions); or for serious illness or accident in the immediate family. Immediate family is defined as spouse, parent, parent of spouse, child, brother, sister, brother-in-law, or sister-in-law. Leave must be approved by the President.

If an employee is required after 90 calendar days to implement the long-term disability plan, the College will grant sick leave up to the date that the long-term disability plan goes into effect. The Board reserves the right to request a physician's certificate stating that the employee is incapacitated from performing his/her duties for any sick leave taken. In addition, before returning to duty, in case of long-term disability, the employee may be required to present a physician's statement stating that he/she is physically able to resume his/her duties.

An employee that is utilizing sick leave is expected to return to active duty when his/her health permits. An employee who makes a request to return to work within 60 calendar days after the termination of the disability will return to his/her prior assignment, at his/her current rate of pay.

If there is reasonable cause to believe that the employee's health would be endangered by continuing assigned duties, the employee may be required to obtain a physician's verification that he/she is physically able to continue assigned duties.

Personal Leave (Full-time Support Staff only) (420.1200.79)

Personal leave of two days per annum, earned at rate of .167 days per month, will be allowed each full-time support staff employee for the purpose of transaction of personal business without loss of pay, if approved by the College administration. Notice in writing is to be submitted to the immediate supervisor for processing. If possible, such notice shall be given a minimum of two days prior to the requested date.

Bereavement Leave (Full-time Support Staff only) (420.1400.09)

Bereavement leave will be granted for the death of a spouse, child, brother, sister, father, mother, grandparent, grandchildren, spouse’s brother, spouse’s sister, spouse’s father, spouse’s mother, or spouse’s grandparent, guardianships, or other relative (who is a permanent resident of the employee's home). Consideration will also be given for bereavement leave to attend funeral of other family members, close friends, or business colleagues. The bereavement leave must be authorized by the President's office. The number of days of leave will be determined for each request by the employee working in conjunction with his/her immediate supervisor based upon the unique circumstances of the situation.
Leave of Absence (420.1600.86)

At the discretion and recommendation of the President, the Board may grant a "leave of absence" up to one fiscal year. During such leave, the employee will not accumulate leave (sick leave, personal leave, or vacation), nor will the employee be entitled to fringe benefits. Leaves of absence shall be without pay. However, the employee may retain insurances by arranging with the Chief Human Resources Officer for billing of the employee for the total premium cost. In making a recommendation, the President shall hold as the primary criteria the needs of the College and the ability of the College to find a suitable replacement. More than one leave of absence may be recommended and granted.

Military Leave (420.1800.79)

A support staff employee may take military leave not to exceed 15 working days per year when summoned for military duty. The employee shall be paid his/her regular pay in addition to any pay he/she received from the state or federal government.

Additional days of military duty, not to exceed 120 working days, may be granted without pay in cases of local, national, or international emergencies.

Extended leave without pay may be granted beyond 120 working days to a support staff employee who is involuntarily summoned for military duty in case of local, national, and international emergencies in accordance with leave rights prescribed by state and federal laws.

Political Leave (Full-time Support Staff only) (420.1900.82)

A support staff employee may take political leave not to exceed one term of office. However, political leave will not be granted to an employee for any amount of time less than full fiscal year intervals; nor will the employee be allowed to reduce his/her normal work load to part-time without previous written approval from the President. The employee shall be allowed to return to work with the same fringe benefits and salary as when leave was taken. He/she will return to the same established job classification as when he/she left for political leave. Requests for political leave shall be made in writing to the President. The request must be submitted with as much advance notice as possible.

Retirement Plan (420.2100.96)

The Board purchases a retirement plan for all employees that regularly work 19 or more hours per week. Support staff employees are included in this plan. The employee must contribute the minimum current percent of his/her salary (as provided in the contract with TIAA/CREF), which
is matched by an equal contribution by the Board (as provided in the contract with TIAA/CREF). The employee, regardless of age, must participate in the plan.

**Health Insurance (Full-time Support Staff only) (420.2200.09)**

The Board contributes to a health insurance program for all full-time support staff employees. Should the cost of this program exceed Board contribution, the balance shall be paid by the employee. In the event that the employee's plan costs less than the Board contribution, the balance shall be used each month by the employee for participating in other insurances, benefits, and annuities as part of the Section 125 Cafeteria plan.

**Long-term Disability (Full-time Support Staff only) (420.2300.09)**

The Board requires all full-time support staff employees to take part in the long-term disability program as a condition of employment. Employees shall be responsible for paying the monthly premiums. Benefits from the policy will commence on the first day of the calendar month next following three months of continuous total disability and will be paid monthly thereafter. Benefits will not be payable for the first three months of continuous total disability. To be entitled to benefits, the employee must be insured under the group policy at the commencement of the period of continuous total disability. Benefits will cease on the first day of the month in which total disability terminated or, if earlier, on the first day of the month in which the employee reaches age 65. All benefits are subject to the provisions and limitations of the group policy.

**Workers' Compensation (420.2400.79)**

All support staff employees are covered by Nebraska Workers' Compensation.

**Tuition Remission (Full-time Support Staff only) (420.2500.86)**

The Board makes available educational benefits to full-time support staff employees and their spouses and children. These benefits shall include free tuition for all college credit and non-credit classes taken. Children shall be defined as:

1) "child" as defined in Section 151-3, subsections A, B, and C, of the I.R.S. Code of Regulations; or

2) "dependent" as defined in Section 152, subsection A, parts 1, 2, 3, and 6, of the I.R.S. Code of Regulations.

**Compensation and Classification (420.3000.94)**

The Board is committed to paying rates of compensation that are internally equitable with relation to duties and responsibilities assigned. Further, the Board is committed to pay rates that are
externally competitive with similar jobs in the local job market.

To achieve this end, the Board hereby implements a compensation and classification system for all non-faculty, support staff employees to be administered by the President or his/her designee. All non-faculty support staff employees shall be classified within this compensation system.

President's Discretionary Increase (420.3050.82)

As a means to recognize and reward outstanding performance, the Board authorizes the President to award increases or bonuses to non-faculty employees that contribute significantly to the College in the employee's regular work or a special project. These increases are at the total discretion of the President.

REGULAR FULL-TIME FACULTY (425.0000.79)

Series 4000, Section 425, relates to any faculty employee of the College whose duties and responsibilities are regular full-time in nature, or whose combination of teaching and non-managerial duties are regular full-time.

Appointment (425.0100.79)

The President shall recommend to the Board for appointment such regular full-time faculty employees as may be required.

Probationary Period (425.0150.81)

Any contract entered into between teaching staff and the College, which contract applies to the first two years of employment of such teaching staff, shall provide that the first two years of the employment is a probationary period. Such contract may be terminated by the Board during such probationary period without cause.

Contracted Days (425.0200.96)

The normal contract length of full-time faculty is 175 days. However, the length of the contract for individual faculty may vary based upon institutional need.

Faculty Assignment (425.0300.92)

Actual activity assignments for full-time faculty may vary, contingent on instructional load, needs of the institution, or discipline function in the overall curricular offering. The standard full-time teaching load is 15 hours as calculated by ratios of credit and calculated weekly contact hours. Calculated weekly contact hours are the total contact hours for the class divided by 16. Overload
consideration begins after the standard load is met and is compensated as specified in the negotiated item "Extra Contractual Teaching." Full-time faculty are assigned teaching duties per semester according to the following formulas (CR = Total credit hours taught as defined by the course syllabus; CN = Total contact hours taught as defined by the course syllabus):

1) Lecture and laboratory faculty: \((CR + CN)/2 = \text{load hours}\).

2) Clinical and performance faculty: \((CR + CN)/2\), i.e. lecture courses, + \((CR + CN)/2.3\), i.e. non-lecture courses, = load hours.

3) Occupational (Agriculture, Automotive Mechanics, Auto Body, Aviation, Cosmetology, Diesel, Electronics, Welding): \((CR + CN)/2\), i.e. lecture courses, + \((CR + CN)/3.0\), i.e. occupational courses, = load hours.

4) Directed study and ILC classes: One-eighth of the credit hour rate as specified in the negotiated item "Extra Contractual Teaching" will be paid for each student credit hour completed. All directed study courses must be approved in advance by the Chief Instructional Officer.

5) Division Chairpersons: Division Chairpersons shall have fifteen load hours in an academic year of release time to fulfill their administrative duties.

The maximum number of hours counted in the above calculations shall be 21 credit hours and 35 contact hours. If there is a need to exceed these maximums, approval must be granted by the Chairperson of the affected division, Chief Instructional Officer and the President. Additionally, when courses are scheduled simultaneously, only the course with the highest number of credit hours will be counted in the above calculations. An instructor has the option to request from his/her supervisor to be paid for no less than one-half the overload as calculated by the formula. The institution will recognize this contribution each semester that it is done by a written instrument.

Additional Faculty Assignments (425.0310.09)

Full-time faculty shall maintain office hours as prescribed by the administration. In addition, full-time faculty duties may include sponsoring organizations and groups, performing assessment of student learning of student activities as prescribed by the College, and participation in such committees and councils as deemed necessary.

Salary Schedule (Annual) (425.0400.86)

See Negotiated Agreement.
Salary Schedule Movement (425.0600.86)

See Negotiated Agreement.

Evaluation (425.0700.09)

In order to improve the instructional process, each regular full-time faculty employee shall be evaluated either every sixth semester (at the option of the evaluator or when reasonable cause may exist, i.e. numerous, serious student complaints. Such evaluation shall occur at the direct requirement of the Chief Instructional Officer. The evaluation process shall conform to those procedures outlined in the College's “Faculty Handbook.”

Professor Emeritus (425.0750.85)

In an effort to recognize outstanding service of a faculty employee, the Board hereby establishes the honorary status of Professor Emeritus.

A full-time faculty employee who:

1) has been in the employ of the College for a minimum of ten years and/or has an outstanding record of dedicated service;
2) is retiring from employment prior to the next contract year or has previously retired; and
3) is at least 55 years of age is eligible for nomination for the honorary status of Professor Emeritus.

Nominations can be made by any full-time administrator or faculty member. Nominations must include all pertinent information as to why the employee should be considered and forwarded to the President prior to April 1 of the year the employee is to receive the award. The President shall review the records of the individual nominated to determine if he/she meets the criteria required for nomination. The President shall then present the valid nomination to the Board. The Board shall review the nomination and, by simple majority vote, appoint the nominated individual to the honorary status.

Grievances (425.0800.79)

Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix A-2-81.)

Reduction-In-Force (425.0900.79)

Reduction-in-force shall be handled in accordance with policy approved by the Board and contained herein. (See Appendix A-1-79.)
Non-Reappointment (425.1000.79)

The employment of full-time faculty personnel on an annual notice of appointment or other appointments for a definite period may be concluded at the end of the employment term by reason of non-reappointment. If it is the intent of the College not to renew an appointment, the procedures prescribed by the Nebraska statutes, if applicable, and any applicable policies of the Board shall be complied with. (See Appendix A-3-81.)

Early Release From Employment Contract (425.1050.92)

Any faculty member seeking to be released from his/her contract shall immediately advise the President, in writing, of the reason or reasons when and why he/she wishes to be released from his/her contract. The President shall review the request and determine the impact on the institution and the impact on the interruption of the educational process by allowing the faculty member to be released during his/her faculty contract and shall advise the Board as to his/her recommendation. The Board shall make the final determination as to whether said faculty member shall be released from his/her faculty contract. The Board reserves the right to seek damages against any faculty member as a result of breach of contract.

Sick Leave (425.1100.86)

See Negotiated Agreement.

Personal Leave (425.1200.86)

See Negotiated Agreement.

Bereavement Leave (425.1400.86)

See Negotiated Agreement.

Community Service Leave (425.1500.86)

See Negotiated Agreement.

Leave of Absence (425.1600.86)

See Negotiated Agreement.

Sabbatical Leave (Full-time Faculty only) (425.1700.81)

A faculty employee with six years of full-time continuous service may apply for sabbatical leave to attend an institution of higher learning to further his/her education. The employee on sabbatical leave will receive one-half his/her previous year's salary. The Board will determine the
number of sabbatical leaves each year. The employee is required to return to the College for at least one year immediately following his/her sabbatical leave. (See Sabbatical Leave policy [Appendix C-2-81] and Negotiated Agreement.)

Military Leave (425.1800.79)

A full-time faculty employee may take military leave not to exceed 15 working days per year when summoned for military duty. The employee shall be paid his/her regular pay in addition to any pay he/she receives from the state or federal government.

Additional days of military duty, not to exceed 120 working days, may be granted without pay in cases of local, national, or international emergencies.

Extended leave without pay may be granted beyond 120 working days to a faculty employee who is involuntarily summoned for military duty in cases of local, national, and international emergencies in accordance with leave rights prescribed by state and federal laws.

Political Leave (425.1900.86)

See Negotiated Agreement.

Retirement Plan (425.2100.96)

The Board purchases a retirement plan for all faculty employees who regularly work 19 or more hours per week. The employee must contribute the minimum current percent of his/her salary (as provided in the contract with TIAA/CREF), which is matched by an equal contribution by the Board (as provided in the contract with TIAA/CREF). The employee, regardless of age, must participate in the plan.

Health Insurance (Full-time Faculty only) (425.2200.09)

The Board contributes to a health insurance program for all full-time faculty employees. Should the cost of this program exceed Board contribution, the balance shall be paid by the employee. In the event that the employee's plan costs less than the Board contribution, the balance shall be used each month by the employee for participating in other insurances, benefits, and annuities as part of the Section 125 Cafeteria plan.

Long-Term Disability (Full-time Faculty only) (425.2300.09)

The Board requires all full-time support staff employees to take part in the long-term disability program as a condition of employment. Employees shall be responsible for paying the monthly premiums. Benefits from the policy will commence on the first day of the calendar month
next following three months of continuous total disability and will be paid monthly thereafter. Benefits will not be payable for the first three months of continuous total disability. To be entitled to benefits, the employee must be insured under the group policy at the commencement of the period of continuous total disability. Benefits will cease on the first day of the month in which total disability terminated or, if earlier, on the first day of the month in which the employee reaches age 65. All benefits are subject to the provisions and limitations of the group policy.

Workers’ Compensation (425.2400.79)
All full-time faculty employees are covered by Nebraska Workers’ Compensation.

Tuition Remission (425.2500.86)
See Negotiated Agreement.

Consultancy (425.2550.80)
It is recognized that from time to time College administrative/professional employees will be requested to act in a consultant capacity with other institutions. As a benefit to employees, paid consultancy will be allowed and authorized at the discretion of the President.

Summer School Pay (425.2600.86)
See Negotiated Agreement.

Extra Contractual Teaching (425.2800.86)
See Negotiated Agreement.

Payment of Course Development (425.2900.86)
Independent Learning Center
See Negotiated Agreement.
For Business and Industry
If, at the request of the administration, a faculty employee custom develops a course for business and industry which is subsequently offered, he/she will be paid at the rate of $100 per semester hour for the first semester hour and $50 per semester hour for every semester hour thereafter.

If at a later date that course needs to be modified to be offered to another client group, the faculty employee will be paid at the rate of $50 per semester hour for the first hour and $25 per semester hour for every hour thereafter for modifications. Compensation for the development of
courses for business and industry must have approval of the President.

**Academic Freedom (425.3000.79)**
In the development of knowledge, research endeavors, and creative activities, the College staff and students must be free to cultivate a spirit of inquiry and scholarly criticism. They must be able to examine ideas in an atmosphere of freedom and confidence, and to participate as reasonable citizens in community affairs. Academic freedom must be subject to the self-restraint imposed by good judgment. The staff member must fulfill his/her responsibility to society, to the College, and to the profession by manifesting academic competence, scholarly discretion, and good citizenship. At no time should or will the principle of academic freedom protect the insubordination of a staff member, nor will it prevent the institution from evaluating the work and effectiveness of each and every professional staff member, nor will it constitute an excuse for non-compliance with the institution's policies and procedures or for a disregard for its welfare.

**REGULAR PART-TIME FACULTY (430.0000.79)**
Series 4000, Section 430, relates to any faculty employee of the College whose duties and responsibilities are regular part-time in nature, or whose combination of teaching and non-managerial duties are regular part-time.

**Appointment (430.0100.79)**
The President shall recommend to the Board for appointment such regular part-time faculty employees as may be required.

**Contracted Days (430.0200.96)**
The normal contract length of regular part-time faculty is 175 days. However, the length of the contract for individual faculty may be adjusted based upon institutional need.

**Faculty Assignment (430.0300.92)**
Actual activity assignments for part-time faculty may vary, contingent on instructional load, needs of the institution, or discipline function in the overall curricular offering. The standard part-time teaching load is 9 hours as calculated by ratios of credit and calculated weekly contact hours. Calculated weekly contact hours are the total contact hours for the class divided by 8. Part-time faculty are assigned teaching duties per semester according to the following formulas (CR = Total credit hours taught as defined by the course syllabus; CN = Total contact hours taught as defined by
the course syllabus):

1) Lecture and laboratory faculty: \( \frac{(CR + CN)}{2} = \text{load hours} \).

2) Clinical and performance faculty: \( \frac{(CR + CN)}{2} \), i.e. lecture courses, + \( \frac{(CR + CN)}{2.3} \), i.e. non-lecture courses, = load hours.

3) Occupational (Agriculture, Automotive Mechanics, Auto Body, Aviation, Cosmetology, Diesel, Electronics, Welding): \( \frac{(CR + CN)}{2} \), i.e. lecture courses, + \( \frac{(CR + CN)}{3.0} \), i.e. occupational courses, = load hours.

4) Directed study and ILC classes: One-eighth of the credit hour rate as specified in the negotiated item "Extra Contractual Teaching" will be paid for each student credit hour completed. All directed study courses must be approved in advance by the Executive Chief Instructional Officer.

Additionally, when courses are scheduled simultaneously, only the course with the highest number of credit hours will be counted in the above calculations.

Additional Faculty Assignments (430.0310.91)

Regular part-time faculty shall maintain office hours as prescribed by the administration. In addition, regular part-time faculty duties may include sponsoring organizations and groups, performing assessment of student learning activities as prescribed, and participation in such committees and councils as deemed necessary.

Salary Schedule (Annual) (430.0400.86)

See Negotiated Agreement.

Salary Schedule Movement (430.0600.86)

See Negotiated Agreement.

Reduction-In-Force (430.0650.86)

Reduction-in-force shall be handled in accordance with the policy approved by the Board and contained herein. (See Appendix A-1-79.)

Non-Reappointment (430.0700.79)

The employment of regular part-time faculty personnel on an annual notice of appointment or other appointments for a definite period may be concluded at the end of the employment term by reason of non-reappointment. If it is the intent of the College not to renew an appointment, the procedures prescribed by the Nebraska statutes, if applicable, and any applicable policies of the
Board shall be complied with. (See Appendix A-3-81.)

**Summer School Pay (430.0800.86)**
See Negotiated Agreement.

**Extra Contractual Teaching (430.0900.86)**
See Negotiated Agreement.

**Payment of Course Development (430.1000.86)**
Independent Learning Center
See Negotiated Agreement.
For Business and Industry
If, at the request of the administration, a faculty employee custom develops a course for business and industry which is subsequently offered, he/she will be paid at the rate of $100 per semester hour for the first semester hour and $50 per semester hour for every semester hour thereafter.

If at a later date that course needs to be modified to be offered to another client group, the faculty employee will be paid at the rate of $50 per semester hour for the first hour and $25 per semester hour for every hour thereafter for modification.

Compensation for the development of courses for business and industry must have approval of the President.

**Sick Leave (430.1100.86)**
See Negotiated Agreement.

**Bereavement Leave (430.1400.86)**
See Negotiated Agreement.

**Grievances (430.1500.86)**
Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix A-2-81.)

**TEMPORARY FULL-TIME FACULTY (435.0000.79)**
Series 4000, Section 435, relates to any faculty employee of the College whose duties and responsibilities are temporary full-time in nature, or whose combination of teaching and non-managerial duties are temporary full-time.
Appointment (435.0100.79)

The President shall recommend to the Board for appointment such temporary full-time faculty employees as may be required.

Contracted Days (435.0200.96)

The normal contract length of temporary full-time faculty is 175 days. However, the length of the contract for individual faculty may vary based upon institutional need.

Faculty Assignment (435.0300.92)

Actual activity assignments for full-time faculty may vary, contingent on instructional load, needs of the institution, or discipline function in the overall curricular offering. The standard full-time teaching load is 15 hours as calculated by ratios of credit and calculated weekly contact hours. Calculated weekly contact hours are the total contact hours for the class divided by 16. Overload consideration begins after the standard load is met and is compensated as specified in the negotiated item "Extra Contractual Teaching." Full-time faculty are assigned teaching duties per semester according to the following formulas (CR = Total credit hours taught as defined by the course syllabus; CN = Total contact hours taught as defined by the course syllabus):

1) Lecture and laboratory faculty: \((CR + CN)/2\) = load hours.
2) Clinical and performance faculty: \((CR + CN)/2\), i.e. lecture courses, + \((CR + CN)/2.3\), i.e. non-lecture courses, = load hours.
3) Occupational (Agriculture, Automotive Mechanics, Auto Body, Aviation, Cosmetology, Diesel, Electronics, Welding): \((CR + CN)/2\), i.e. lecture courses, + \((CR + CN)/3.0\), i.e. occupational courses, = load hours.
4) Directed study and ILC classes: One-eighth of the credit hour rate as specified in the negotiated item "Extra Contractual Teaching" will be paid for each student credit hour completed. All directed study courses must be approved in advance by the Executive Chief Instructional Officer.
5) Division Chairpersons: Division Chairpersons shall have fifteen load hours of release time during an academic year to fulfill their administrative duties.

The maximum number of hours counted in the above calculations shall be 21 credit hours and 35 contact hours. If there is a need to exceed these maximums, approval must be granted by the Chairperson of the affected division, Chief Instructional Officer, and the President. Additionally, when courses are scheduled simultaneously, only the course with the highest number of credit hours will be counted in the above calculations. An instructor has the option to request from his/her supervisor to be paid for no less than one-half the overload as calculated by the formula. The institution will recognize this contribution each semester that it is done by a written instrument.
Additional Faculty Assignments (435.0310.91)
Temporary full-time faculty shall maintain office hours as prescribed by the administration. In addition, temporary full-time faculty duties may include sponsoring organizations and groups, performing assessment of student learning activities as prescribed, and participation in such committees and councils as deemed necessary.

Salary Schedule (Annual) (435.0400.86)
See Negotiated Agreement.

Summer School Pay (435.0700.86)
See Negotiated Agreement.

Extra Contractual Teaching (435.0800.86)
See Negotiated Agreement.

Payment of Course Development (435.0900.86)
Independent Learning Center
See Negotiated Agreement.
For Business and Industry
If, at the request of the administration, a faculty employee custom develops a course for business and industry which is subsequently offered, he/she will be paid at the rate of $100 per semester hour for the first semester hour and $50 per semester hour for every semester hour thereafter.

If, at later date, that course needs to be modified to be offered to another client group, the faculty employee will be paid at the rate of $50 per semester hour for the first hour and $25 per semester hour for every hour thereafter for modification.
Compensation for the development of courses for business and industry must have approval of the President.

Sick Leave (435.1100.86)
See Negotiated Agreement.

Personal Leave (435.1200.86)
See Negotiated Agreement.
Bereavement Leave (435.1400.86)
See Negotiated Agreement.

Community Service Leave (435.1500.86)
See Negotiated Agreement.

Grievances (435.1600.86)
Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix A-2-81.)

Retirement Plan (435.2100.96)
The Board purchases a retirement plan for all temporary full-time faculty employees. The employee must contribute the minimum percent of his/her salary (as provided in the contract with TIAA/CREF), which is matched by equal contribution by the Board (as provided in the contract with TIAA/CREF). The employee, regardless of age, must participate in the plan.

Health Insurance (435.2200.09)
The Board contributes to a health insurance program for all temporary full-time faculty employees. Should the cost of this program exceed Board contribution, the balance shall be paid by the employee. In the event that the employee's plan costs less than the Board contribution, the balance shall be used each month by the employee for participating in other insurances, benefits, and annuities as part of the of the Section 125 Cafeteria plan.

Long-Term Disability (435.2300.09)
The Board requires all temporary full-time faculty employees to take part in the long-term disability program as a condition of employment. Employees shall be responsible for paying the monthly premiums. Benefits from the policy will commence on the first day of the calendar month next following three months of continuous total disability and will be paid monthly thereafter. Benefits will not be payable for the first three months of continuous total disability. To be entitled to benefits, the employee must be insured under the group policy at the commencement of the period of continuous total disability. Benefits will cease on the first day of the month in which total disability terminated or, if earlier, on the first day of the month in which the employee reaches age 65. All benefits are subject to the provisions and limitations of the group policy.

Workers' Compensation (435.2400.79)
All temporary full-time faculty employees are covered by Nebraska Workers' Compensation.
Tuition Remission (435.2500.86)
    See Negotiated Agreement.

TEMPORARY PART-TIME FACULTY (440.0000.79)
    Series 4000, Section 440, relates to any faculty employee of the College whose duties and responsibilities are temporary part-time in nature, or whose combination of teaching and non-managerial duties are temporary part-time.

Appointment (440.0100.79)
    The President shall recommend to the Board for appointment such temporary part-time faculty employees as may be required.

Contracted Days (440.0200.96)
    The normal contract length of temporary part-time faculty is 175 days. However, the length of the contract for individual faculty may vary based upon institutional need.

Faculty Assignment (440.0300.92)
    Actual activity assignments for part-time faculty may vary, contingent on instructional load, needs of the institution, or discipline function in the overall curricular offering. The standard part-time teaching load is 9 hours as calculated by ratios of credit and calculated weekly contact hours. Calculated weekly contact hours are the total contact hours for the class divided by 8. Part-time faculty are assigned teaching duties per semester according to the following formulas (CR = Total credit hours taught as defined by the course syllabus; CN = Total contact hours taught as defined by the course syllabus):

1) Lecture and laboratory faculty: \( \frac{(CR + CN)}{2} = \text{load hours.} \)
2) Clinical and performance faculty: \( \frac{(CR + CN)}{2}, \text{i.e. lecture courses, } + \frac{(CR + CN)}{2.3}, \text{i.e. non-lecture courses,} = \text{load hours.} \)
3) Occupational (Agriculture, Automotive Mechanics, Auto Body, Aviation, Cosmetology, Diesel, Electronics, Welding): \( \frac{(CR + CN)}{2}, \text{i.e. lecture courses, } + \frac{(CR + CN)}{3.0}, \text{i.e. occupational courses,} = \text{load hours.} \)
4) Directed study and ILC classes: One-eighth of the credit hour rate as specified in the negotiated item "Extra Contractual Teaching" will be paid for each student credit hour completed. All directed study courses must be approved in advance by the Chief Instructional Officer.

    Additionally, when courses are scheduled simultaneously, only the course with the highest number of credit hours will be counted in the above calculations.
Additional Faculty Assignments (440.0310.91)  
Temporary part-time faculty shall maintain office hours as prescribed by the administration. In addition, temporary part-time faculty duties may include sponsoring organizations and groups, performing assessment of student learning activities as prescribed, and participation in such committees and councils as deemed necessary.

Salary Schedule (Annual) (440.0400.86)  
See Negotiated Agreement.

Summer School Pay (440.0700.86)  
See Negotiated Agreement.

Extra Contractual Teaching (440.0800.86)  
See Negotiated Agreement.

Payment of Course Development (440.0900.86)  
Independent Learning Center  
See Negotiated Agreement.  
For Business and Industry  
If, at the request of the administration, a faculty employee custom develops a course for business and industry which is subsequently offered, he/she will be paid at the rate of $100 per semester hour for the first semester hour and $50 per semester hour for every semester hour thereafter.

If at a later date that course needs to be modified to be offered to another client group, the faculty employee will be paid at the rate of $50 per semester hour for the first hour and $25 per semester hour for every hour thereafter for modification.

Compensation for the development of courses for business and industry must have approval of the President.

Sick Leave (440.1100.86)  
See Negotiated Agreement.

Bereavement Leave (440.1400.86)  
See Negotiated Agreement.
Grievances (440.1500.86)
Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix A-2-81.)

ADJUNCT FACULTY (445.0000.86)
Series 4000, Section 445, relates to any faculty employee of the College that is hired to teach a specific course for a specific period of time on a casual, part-time basis.

Appointment (445.0100.79)
The President shall have the power to appoint adjunct faculty under the conditions delineated in this manual.

Payment to Adjunct Faculty (445.0200.96)
For credit classes, payment to adjunct faculty shall be at the rate established by the Board (on an annual basis) and approved by the President, or his/her designee. Adjunct faculty that teach non-credit classes will be paid at a rate per contact hour established by the Board and approved by the President.

ADMINISTRATIVE/PROFESSIONAL STAFF (450.0000.79)
Series 4000, Section 450, relates to any administrative/professional employee of the College who has administrative or professional responsibilities, and whose work is directly related to the management of business operations or performance of work of a technical nature. Administrative/professional employees may have teaching assignments as part of their assigned responsibilities (or at the discretion of the President may teach up to one class per term in addition to their regular full-time responsibilities).

Appointment (450.0200.79)
The President shall be selected and appointed by the Board in conjunction and cooperation with the faculty, students, and other members of the College community. All other administrative/professional staff shall be appointed by the Board on recommendations of the President.

Early Release From Employment Contract (450.0250.92)
Any administrative/professional staff member seeking to be released from his/her contract shall immediately advise the President, in writing, of the reason or reasons when and why he/she wishes to be released from his/her contract. The President shall review the request and determine the
impact on the institution and the impact on the interruption of the educational process by allowing
the administrative/professional staff member to be released during his/her
administrative/professional contract and shall advise the Board as to his recommendation. The
Board shall make the final determination as to whether said administrative/professional staff member
shall be released from his/her administrative/professional contract. The Board reserves the right to
seek damages against any administrative/professional staff member as a result of breach of contract.

Discipline (450.0300.96)

The President shall have the right to duly process all matters relating to disciplinary probation
concerning any administrative/professional employee of the College. The grounds for said
disciplinary probation shall include, but not be limited to, incompetence, immorality, intemperance,
cruelty, crimes against the laws of the state, crimes against the laws of the United States, violation of
Board policies, neglect of duty, general neglect of the business of the College, unprofessional
conduct, insubordination, physical or mental incapacity.

Disciplinary action is considered a dimension of performance evaluation. It is a corrective
process to help employees overcome work-related shortcomings and strengthen work performance.

The President shall have the range of disciplinary actions which may include, but not be
limited to:

1) Counseling;
2) Oral reprimand;
3) A written reprimand advising that further violations may result in more serious action;
4) Suspension with pay; or
5) Suspension without pay not to exceed 30 days.

Prior to taking an action under section 4 above, an employee shall be advised of the alleged
reasons for the proposed action and provided the opportunity to present the his/her version of the
facts. The employee may proceed under the school's grievance procedure (Series 4000, Appendix B-
8-82) within five calendar days after the President takes such action.

Prior to taking an action under section 5 above, the employee shall be advised in writing of
the alleged reasons for the proposed action and provided the opportunity to present his/her version
of the facts. Within five calendar days of receipt of such notice, the employee may make a written
request to the Secretary of the Board or to the President for a due process hearing. If such a request
is not delivered within such time, the action of the President shall become final.

The Board may discipline, suspend, or dismiss any administrative/professional employee for
any of the above stated reasons after hearing.
In the event that the President shall determine that it is appropriate to consider the cancellation or termination of an administrative/professional staff contract during the school year for any of the reasons set forth above, the administrative/professional employee shall be notified in writing of the alleged grounds for cancellation or termination of the contract and that such administrative/professional employee contract may be canceled or terminated during the school year. Within five calendar days of receipt of such notice, the administrative/professional employee may make a written request to the Secretary of the Board or to the President for a hearing.

1) Notification of time and place said hearing shall be sent to the administrative/professional employee in writing at least five days prior to the hearing.
2) The Board shall order the hearing to be held within 30 days upon receipt of request of the administrative/professional employee.
3) Upon request of the administrative/professional employee, a notification of at least five days prior to the hearing of the names of any witnesses who will be called to testify against the administrative/professional employee, the nature of the testimony of each witness, and an opportunity to examine any documents that would be presented at the hearing.
4) The administrative/professional employee shall have the right to be represented at the hearing.
5) The administrative/professional employee shall have an opportunity to cross-examine all witnesses and to examine all documents and to present evidence material to the issues at the hearing.

A majority of the members of the Board, present and voting, shall render a decision to discipline, cancel, or terminate the administrative/professional employee's contract based solely upon the evidence presented at the hearing, and said findings and determinations shall be in writing and a written copy thereof shall be delivered to the administrative/professional employee within five days.

Nothing in this policy shall be construed to limit the right of the Board to not renew a contract of an administrative/professional employee.

Evaluation (450.0700.86)
Each administrator/professional employee shall be evaluated one time during the fiscal year. This evaluation is intended to improve performance and provide a rational basis for salary increases. Evaluation is to be completed by the direct supervisor. Evaluation procedures and forms shall be kept on file in the Human Resources Office.

Administrator Emeritus (450.0750.85)
In an effort to recognize outstanding service of an administrative/professional employee, the Board hereby establishes the honorary status of Administrator Emeritus. A full-time administrative/
professional employee who:

1) has been in the employ of the College for a minimum of ten years and/or has an outstanding record of dedicated service;
2) is retiring from employment prior to the next contract year or has previously retired; and
3) is at least 55 years of age,

is eligible for nomination for the honorary status of Administrator Emeritus.

Nominations can be made by any full-time administrative/professional or faculty employee. Nominations must include all pertinent information as to why the employee should be considered and forwarded to the President. The President shall review the records of the individual nominated to determine if he/she meets the criteria required for nomination. The President shall then present the valid nomination to the Board. The Board shall review the nomination and, by simple majority vote, appoint the nominated individual to the honorary status.

**Sick Leave (Full-Time Employees Only) (450.1100.82)**

Provision is made for 12 days sick leave per year at the rate of one day per month, accumulative to 90 days. Sick leave is granted for personal illness, accident, or disability (includes pregnancy related medical conditions); or for serious illness or accident in the immediate family. Immediate family is defined as spouse, parent, parent of spouse, child, brother, sister, brother-in-law, or sister-in-law. Leave must be approved by the President.

If an employee is required after 90 calendar days to implement the long-term disability plan, the College will grant sick leave up to that date that the long-term disability plan goes into effect. The Board reserves the right to request a physician's certificate stating that the employee is incapacitated from performing his/her duties for any sick leave taken. In addition, before returning to duty in case of long-term disability, the employee may be required to present a physician's statement stating that he/she is physically able to resume his/her duties.

An employee that is utilizing sick leave is expected to return to active duty when his/her health permits. An employee who makes a request to return to work within 60 calendar days after the termination of the disability will return to his/her prior assignment, at his/her current rate of pay.

If there is reasonable cause to believe that the employee's health would be endangered by continuing assigned duties, the employee may be required to obtain a physician's verification that he/she is physically able to continue assigned duties.
Annual Physical Examination (450.1110.91)

On an annual basis, the President is hereby required to undergo a complete physical examination by a physician of his/her choice to ensure fitness or ability to perform his/her duties. The results of said physical are private information for use by the President. However, it shall be the responsibility of the President to inform the Board of any health problem that may hinder or impair his/her ability to perform.

The usual and customary expenses of the physical examination shall be paid by the Board.

Personal Leave (Full-Time Employees Only) (450.1200.86)

Personal leave of four days per annum, at the rate of .33 days per month, will be allowed each administrative employee for the purpose of transaction of personal business without loss of pay, if approved by the College administration. Notice in writing is to be submitted to the immediate supervisor for processing. If possible, such notice shall be given a minimum of two days prior to the requested date.

Personal leave of three days per annum, at the rate of .25 days per month will be allowed each professional employee for the purpose of transaction of personal business without loss of pay, if approved by the College administration. Notice in writing is to be submitted to the immediate supervisor for processing. If possible, such notice shall be given a minimum of two days prior to the requested date.

Bereavement Leave (Full-Time Employees Only) (450.1400.09)

Bereavement leave will be granted for the death of a spouse, child, brother, sister, father, mother, grandparent, grandchildren, spouse’s brother, spouse’s sister, spouse’s father, spouse’s mother, or spouse’s grandparent, guardianships, or other relative (who is a permanent resident of the employee's home). Consideration will also be given for bereavement leave to attend funeral of other family members, close friends, or business colleagues. The bereavement leave must be authorized by the President's office. The number of days of leave will be determined for each request by the employee working in conjunction with his/her immediate supervisor based upon the unique circumstances of the situation.

Community Service Leave (Full-Time Employees Only) (450.1500.79)

From time to time, administrative/professional employees are appointed to public service commissions or councils. At the discretion of the President, up to two days per month may be granted for an administrative/professional employee to perform these functions.
Leave of Absence (450.1600.79)

At the discretion and recommendation of the President, the Board may grant a "leave of absence" up to one academic year. During such leave, the employee will not accumulate leave (sick leave, personal leave, or vacation), nor will the employee be entitled to fringe benefits. Leaves of absence shall be without pay. However, the employee may retain insurances by arranging with the Chief Human Resources Officer for billing of the employee for the total premium cost. In making a recommendation, the President shall hold as the primary criteria the needs of the College and the ability of the College to find a suitable replacement. More than one leave of absence may be recommended and granted.

Sabbatical Leave (Full-Time Employees Only) (450.1700.81)

An administrative/professional employee with six years of full-time continuous service may apply for sabbatical leave to attend an institution of higher learning to further his/her education. The employee on sabbatical leave will receive one-half his/her previous year's salary. The Board will determine the number of sabbatical leaves each year. The employee is required to return to the College for at least one year immediately following his/her sabbatical leave. (See Appendix C-2-81.)

Military Leave (450.1800.79)

An administrative/professional employee may take military leave not to exceed 15 working days per year when summoned for military duty. The employee shall be paid his/her regular pay in addition to any pay he/she received from the state or federal government.

Additional days of military duty, not to exceed 120 working days, may be granted without pay in cases of local, national, or international emergencies.

Extended leave without pay may be granted beyond 120 working days to an administrative/professional employee who is involuntarily summoned for military duty in cases of local, national, and international emergencies in accordance with leave rights prescribed by state and federal laws.

Political Leave (Full-Time Employees Only) (450.1900.82)

An administrative/professional employee may take political leave not to exceed one term of office. However, political leave will not be granted to an employee for any amount of time less than a full contract year interval; nor will the employee be allowed to reduce his/her normal work load to part-time, without previous written approval from the President. The employee shall be allowed to return to work with the same fringe benefits and salary as when leave was taken. He/she will return
to the same job classification as when he/she left for political leave. Requests for political leave shall be made in writing to the President. The request must be submitted with as much advance notice as possible.

**Vacation (Full-Time Employees Only) (450.2000.86)**

A full-time administrative employee is entitled to the equivalent of 20 working days vacation per year. Vacation may not be accumulated to more than 40 working days at any one time. Such vacations must be approved by the College administration. Should vacation days earned reach a maximum accruable amount, the employee shall have until the end of the fiscal year to reduce his/her accrued vacation.

A full-time professional employee is entitled to the equivalent of 15 working days vacation per year. Vacation may not be accumulated to more than 30 working days at any one time. Such vacations must be approved by the College administration. Should vacation days earned reach a maximum accruable amount, the employee shall have until the end of the fiscal year to reduce his/her accrued vacation.

**Vacation, Required (Full-Time Employees Only) (450.2050.86)**

Employees who hold administrative positions of President, Vice-President, Dean, Associate Dean, Director of Accounting Services, Accountant, Executive Director of formation Technology, or Information Technology Specialist shall be required to take vacation/time away so as to be absent from the College 14 consecutive calendar days at least once during the fiscal year. Vacation shall be taken in accordance with Policy 450.2000.86.

**Retirement Plan (450.2100.96)**

The Board purchases a retirement plan for all administrative/ professional employees that regularly work 19 or more hours per week. The employee must contribute the minimum current percent of his/her salary (as provided in the contract with TIAA/CREF), which is matched by equal contribution by the Board (as provided in the contract with TIAA/CREF). The employee, regardless of age, must participate in the plan.

**Health Insurance (Full-Time Administrative/Professional Employees Only) (450.2200.09)**

The Board contributes to a health insurance program for all full-time administrative/ professional employees. Should the cost of this program exceed Board contribution, the balance shall be paid by the employee. In the event that the employee's plan costs less than the Board
contribution, the balance shall be used each month by the employee for participating in other insurances, benefits, and annuities as part of the Section 125 Cafeteria plan.

Long-Term Disability (Full-Time Administrative/Professional Employees Only) (450.2300.09)

The Board requires all full-time administrative/professional employees to take part in the long-term disability program as a condition of employment. Employees shall be responsible for paying the monthly premiums. Benefits from the policy will commence on the first day of the calendar month next following three months of continuous total disability and will be paid monthly thereafter. Benefits will not be payable for the first three months of continuous total disability. To be entitled to benefits, the employee must be insured under the group policy at the commencement of the period of continuous total disability. Benefits will cease on the first day of the month in which total disability terminated or, if earlier, on the first day of the month in which the employee reaches age 65. All benefits are subject to the provisions and limitations of the group policy.

Workers' Compensation (450.2400.79)

All administrative/professional employees are covered by Nebraska Workers' Compensation.

Tuition Remission (Full-Time Administrative/Professional Employees Only) (450.2500.86)

The Board makes available educational benefits to a full-time administrative/professional employee and his/her spouse and children. These benefits shall include free tuition for all College credit and non-credit classes taken. Children shall be defined as:

1) "child" as defined in Section 151-3, subsections A, B, and C, of the I.R.S. Code of Regulations; or
2) "dependent" as defined in Section 152, subsection A, parts 1, 2, 3, and 6, of the I.R.S. Code of Regulations.

Consultancy (Full-Time Administrative/Professional Employees Only) (450.2600.79)

It is recognized that from time to time College administrative/professional employees will be requested to act in a consultant capacity with other institutions. As a benefit to employees, paid consultancy will be allowed and authorized at the discretion of the President.

Grievances (450.2700.81)

Grievances shall be handled in accordance with the grievance policy approved by the Board and contained herein. (See Appendix B-1-82.)
Compensation and Classification (450.3000.94)

The Board is committed to paying rates of compensation that are internally equitable with relation to duties and responsibilities assigned. Further, the Board is committed to pay rates that are externally competitive with similar jobs at similar institutions.

To achieve this end, the Board hereby implements a compensation and classification system for all non-faculty employees to be administered by the President or his/her designee.

All non-faculty employees except for the positions that directly report to the Board (President and Secretary of the Board) shall be classified within this compensation system.

President's Discretionary Increase (450.3050.82)

As a means to recognize and reward outstanding performance, the Board authorizes the President to award increases or bonuses to non-faculty employees that contribute significantly to the College in the employee's regular work or a special project. These increases are at the total discretion of the President.

CONSULTANTS (455.0000.79)

Management consultants, auditors, consulting architects, consulting engineers, and other professional personnel employed or retained by the College on a temporary basis shall be classified as College consultants.

LEGAL COUNSEL (460.0000.79)

Attorneys and/or legal firms retained to serve the legal interests of the College shall be classified as legal counsel.
STUDENT SERVICES (500.0000.79)

The College will provide services designed to contribute to each student's educational, career, and personal development. These services may include, but not necessarily be limited to, counseling, diagnostic testing, academic advising, admission and registration services, financial aid, job referral services, student activities, intramural and intercollegiate athletics, orientation, and housing. Each student will be encouraged to take advantage of these services and to feel free to contact staff members of the Student Services Office for assistance.

Admission of Students (500.0100.86)

Non-discriminatory admission procedures shall be defined, adopted, and implemented for the College. These procedures shall be designed to effectively serve individual and community needs within the College service area and shall be published in appropriate College publications.

Resident and Non-Resident Students (500.0200.79)

College programs of study shall be open to both residents and non-residents.

Full-Time and Part-Time Students (500.0300.79)

Each student is eligible to participate in most College programs on either a full-time or part-time basis.

Admission to High Demand Programs (500.0400.79)

The President may identify programs in which the College receives more applications than available laboratory space can accommodate, or as deemed impractical for instruction. These will be identified as high demand programs and enrollment may be based on special screening tools and/or "first-come, first-serve" registration.

Right to Deny Admission (500.0500.79)

The right is reserved to deny admission to any applicant to certain programs, provided that the College has established and published procedures of appeal for persons who are denied admission.

Dual Enrollment of Selected High School Students (500.0600.79)

A high school student must have written permission from his/her parents/guardians and high school to be eligible to enroll as a special student.
International Students (500.0700.86)

The College, in the interest of accommodating foreign students (those who are non-citizens of the United States) and in the interest of accommodating their special needs, applies all existing College policies plus the additional stipulations that:

1) The student will be provided with a brochure in addition to other literature to prepare him/her in terms of what to expect culturally, economically, socially, and geographically.
2) The student will demonstrate, prior to the issuance of the "I-20," that he/she has attained a minimal score of 500-550 on the TOFEL exam depending upon the program he/she is entering.
3) The student will, prior to the issuance of the "I-20," pre-pay one full year's "student budget" in advance, or provide evidence of grants, scholarships, etc., that will cover and offset the difference.
4) A student under the legal age of 19 will provide a properly executed power of attorney signed by a parent or a guardian. This document will delegate to the Chief Student Services Officer and authorize that individual to act in behalf of the minor student in case of a medical emergency. This power of attorney shall extend for a period of six months and shall be renewed at the start of each semester.
5) The student will enroll and successfully complete, or retake until successfully completed, a "Cultural Orientation Class" as part of his/her first semester curriculum.
6) The student will comply with all local, state and federal laws of the United States of America as well as College policies.
7) The College will designate and provide an individual to serve as a counselor to foreign students.
8) Each foreign student must have a valid "student visa" to be admitted to the College.

Senior Citizen Tuition Waiver (500.0750.10)

Persons 60 years of age or older are eligible to join the "Gold Card Club" and receive a tuition waiver for up to six credit hours per semester of credit course work sponsored by the College. Non-credit course work is not eligible for the Senior Citizen Tuition Waiver. Verification of age may be required by appropriate College officials. Materials fees, book costs, and other incidental charges are excluded from said tuition waiver.

Student Insurance (500.0800.86)

It is the responsibility of each student to provide his/her own personal health, accident, and property insurance. The College does not provide such insurance for students.

The College does not endorse a particular insurance company. However, the College does attempt to offer the option of student health insurance, at the expense of the student, each semester.

Transfer Students (500.0900.79)

A student transferring from another college shall consult the Student Services Office at the
College for an assessment of credits.

Each transfer student will be classed as resident or non-resident as defined in the Residency Requirements policy (500.1100.83).

Directory Information (500.1000.86)

In compliance with the federal Privacy Act of 1974, the following items are considered directory information:

1) student's name,  
2) address,  
3) telephone listing,  
4) date and place of birth,  
5) major field of study,  
6) dates of attendance,  
7) degrees and awards received,  
8) most recent previous educational agency attended, and  
9) participation in officially recognized activities and sports; also weight and height of members of athletic teams.

In the event that a student does not want the directory information released, he/she must so state in writing and present the statement to the Student Services Office. This must be done each semester that the exclusion is to apply.

Residency Requirements (500.1100.83)

To be eligible to register for resident tuition rates, Nebraska residency must be established in accordance with Nebraska Revised Statues of 1980, Section 85-501 and 85-502.

An individual will qualify as a resident of the State of Nebraska for tuition purposes if he/she meets the standards set forth in any one of the following eight categories:

1) a person of legal age or an emancipated minor who for a period of six months shall have established a home in Nebraska where he or she intends to make Nebraska his or her permanent residency;  
2) a minor whose parent, parents, or guardians have established a home in Nebraska or such parent, parents, or guardians are habitually present with a bona fide intention of making Nebraska their permanent place of residence;  
3) a person of legal age who is a dependent for federal income tax purposes of a parent or former guardian who has established a home in Nebraska;  
4) an individual who has married a resident of Nebraska;  
5) an individual who is an alien and who for a period of at least two years has established a home in Nebraska where he or she is habitually present with the bona fide intention of becoming a permanent resident alien of the United States and making Nebraska his or her permanent residence;  
6) an individual is a dependent of an employee of the College, the University of Nebraska, one of the Nebraska state colleges, or one of the Nebraska community colleges;
7) an individual on active duty with the armed services of the United States, and who has been assigned a permanent duty station in Nebraska, or a dependent of an individual who is a member of the armed services assigned to a permanent duty station in Nebraska; or
8) an individual who is a graduate of an accredited Nebraska high school or has previously been registered in a state institution at a time when he or she was a resident of Nebraska.

Individuals requesting resident tuition status shall be required to complete an affidavit outlining the reasons under which they believe that they qualify for resident tuition status and attesting to the accuracy of their statements. Completion of a falsified affidavit shall subject the individual to possible disciplinary action.

An individual who believes that he or she has been incorrectly denied a resident tuition may appeal that decision through appropriate channels established by the College.

**Admission to Class (500.1200.79)**

A student will be admitted to class only when he/she is properly registered and has paid his/her tuition and fees or has made arrangements to defer payment.

**Delinquent Accounts (500.1300.09)**

A student must meet all financial obligations to the College in order to qualify for continued enrollment. Students that have current outstanding bills with the College, shall not be allowed to enroll, graduate, not cause academic transcripts to be issued or acquired by the student. Such student shall have an “administrative hold” placed on his/her account until such outstanding bill is paid in full.

**Attendance of Classes (500.1400.79)**

Class attendance policies shall be established which are designed to promote individual and group educational experiences. The individual instructor may implement his/her own attendance policies within the established limits.

**Grading (500.1500.79)**

The Board authorizes the President to establish, publish, and implement an equitable system of assessment of student achievement.

**Academic Recognition (500.1600.79)**

The Board authorizes the recognition of honors and achievements.

**Graduation Procedures (500.1700.87)**

Non-discriminatory graduation procedures shall be defined, adopted, and implemented for the
College and published in appropriate College publications.

**Transcripts (500.1800.79)**

Transcripts of College course(s) are available only upon written request from the student to the Student Services Office of the College where the course(s) were taken. No transcript will be released until all financial obligations have been satisfied.

**Transfer of Credits (500.1900.79)**

Each student must assume the responsibility of familiarizing himself/herself with the course requirements of the College to which he/she intends to transfer, and to make certain that he/she satisfies those requirements both as to course credits and the quality of grades.

**Withdrawal from College (500.2000.79)**

Equitable student withdrawal procedures shall be established to accommodate student needs and record information.

**Refund Policy (500.2100.01)**

The Board shall, at such times as may be deemed necessary, establish and set an appropriate refund schedule. The President, whenever he/she deems appropriate, shall recommend changes in the refund schedule for the College. The Board reserves the right to change the refund schedule without notice.

Tuition refunds will not be awarded to students who drop only a part of their load. Fees will not be refunded. To be eligible for a refund, students must complete an official drop form.

Tuition is due and payable on or before the first day of class; or arrangements must be made with the Financial Aid Office and Business Office for deferral of payment.

**Student Orientation (500.2200.79)**

The College shall provide an orientation system by which students can familiarize themselves with the College procedures, policies, and environment.

**Counseling (500.2300.86)**

The College shall provide counseling assistance to students, as appropriate, for:

1) assisting the student in development of vocational, educational, and personal plans or other career assistance;
2) academic performance, personal problems, or personal concerns; or
3) assisting the student to facilitate the exploration and development of skills through offering of workshops, seminars, or courses.
Testing (500.2400.79)
   The College shall adopt and implement, as appropriate, testing programs to serve student
   needs in guidance, counseling, and specific program admission.

Academic Advising (500.2500.79)
   Academic advisors may be assigned to assist the student in planning a program of study each
term. A student may be encouraged to seek information and assistance from his/her advisors, not
only in planning his/her program of study, but also his/her career/occupational planning and program
transfer to other colleges/universities.

Career Development and Referral (500.2600.79)
   The College may provide a service in career development and job referral for students or
alumni who are seeking part-time or full-time employment while attending college or after
graduation. Occupational information may be provided by Student Services staff at each site.

Financial Aid Programs (500.2700.79)
   The College shall administer a comprehensive financial aid program for students and provide
information concerning sources of assistance outside the College.

Scholarships (500.2800.79)
   The Board shall make available a Board Scholarship Program which annually awards one
scholarship to each public and private high school in the College service area.

   Each scholarship shall consist of a standard full-time tuition remission for any College
sponsored program at any site in the College and is valid for fall and spring semesters, provided the
recipient is enrolled as a full-time student and maintains a “3.0” GPA. Fees, books, and other related
expenses remain the responsibility of the recipient.

Performance Grants (500.2900.83)
   The Board shall make available Performance Grants for various College activities. These
grants shall be awarded, upon the recommendation of the activity sponsor, by the Student Services
Office. The President, or his/her designee, is authorized to establish guidelines for administering the
Performance Grant Program with reference to the number of awards, value of awards, etc.

   Each Performance Grant is valid for the fall and spring semesters, spring and summer
semesters, or summer and fall semesters, provided the term is at least ten weeks in length and the
performance activity is operational, the recipient is enrolled as a full-time student, maintains
"satisfactory academic progress," and meets the performance criteria of the Grant. Fees, books, and
other related expenses not specifically covered by the Grant remain the responsibility of the recipient.

Each Performance Grant is renewable for the second year, fall and spring semesters, spring and summer semesters, or summer and fall semesters of College training (not to exceed four semesters), provided the Student Services Office receives a letter recommending renewal from the activity sponsor, the recipient is enrolled as a full-time student, maintains "satisfactory academic progress," and meets the performance criteria of the Grant.

An annual report of the utilization of the Performance Grants shall be made to the appropriate Board committee.

**Housing and Food Service (500.3000.79)**

The College may operate housing and food service facilities to accommodate student needs.

**Student Government (500.3100.79)**

The College shall establish appropriate elected student government(s) to represent the student body. The purpose of these organization(s) shall include, but not necessarily be limited to: promoting morale through various approved activities, coordinating and assisting with the functioning of other College organizations, and representing the various student ideas and concerns with the administration, the College councils, and the Board.

**Role of Student Activities (500.3200.79)**

A student activities program will complement the institutional programs by providing a variety of meaningful educational, cultural, and social experiences. The Student Services Office will assist the students and faculty in the planning of extracurricular programs and in the development of student organizations. This office will provide support to special planning groups and interested students in the promotion of activities.

**Students on College Committees (500.3300.79)**

Students are encouraged to participate in the decision-making processes of the College through joint faculty/student committees that are established for that purpose.

**Expression of Student Ideas and Concerns (500.3400.79)**

A student or group of students is encouraged to voice opinions, ideas, or concerns through appropriate established channels. This may be done in the following manner:

1) The issues, ideas, etc., are brought to the attention of the Student Government.
2) The Student Government votes on the advisability of pursuing the matter through other...
avenues in the established committee structure.
3) If the Student Government concurs, a committee is appointed by the President of the Student Government to bring the matter to the Chief Student Services Officer.
4) If needed, this committee and the Chief Student Services Officer.
5) may meet with the appropriate College Council or with the President to discuss and attempt to resolve the matter.
6) Furthermore, any student, without going through the above channels, may at any time visit with his/her Student Governor, the Chief Student Services Officer, the President, or other administrators or faculty on any problem, issue or other matter with which he/she is concerned.

If, in the opinion of the Student Governor, an appropriate administrative response is not made, the Student Governor, after verifying information with the Student Government and/or the Chief Student Services Officer, may bring the matter to the Board for its information and possible action.

**Student Organizations (500.3500.86)**

All officially recognized student organizations must comply with the chartering requirements set forth and approved by the Student Government and other appropriate councils of the College. Chartered organizations may use the College facilities for approved sponsored activities for the organizations and/or benefit of the entire student body. Chartered organizations may participate in approved fundraising activities and services to the College for the benefit of the organization and/or the student body.
When outside financial support is forthcoming to a student organization, that amount shall be reported to the Chief Student Services Officer and in turn the appropriate College Council so that the institution and its representatives may make fair distributions and equitable division of any possible institution funds.

Direct institutional grants to official organizations are prohibited. However, the allocation of funds for services performed and to be used for the benefit of the organizations, or all students, is allowed. All official student organizations shall:

1) have an approved non-discriminatory constitution and by-laws which conform to the educational objectives and administrative regulations of the College;
2) have a faculty sponsor; and
3) deposit all funds with the Business Office and process all deposits and withdrawals through:
   a. student officer,
   b. faculty sponsor, and
   c. Chief Student Services Officer.

Use of College Facilities (500.3600.79)

College facilities may be assigned to College organizations for regular business meetings, for special programs and for programs open to the public, unless, in the judgment of the Chief Student Services Officer, the group or the planned program poses a serious threat to the continued well-being and safety of the institution. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance. An individual, group, or organization may use the College name only with the expressed authority of the President, or his/her designee.

Student Actions (500.3700.79)

Students are expected to observe local, state, and federal laws and abide by College policies and regulations as established in respective College publications.

Student Conduct and Responsibilities (500.3800.86)

The College expects students to conduct themselves as responsible law-abiding citizens. After determination of misconduct, a student may be disciplined in accordance with the sanctions of the "College Judicial Code." Copies of the "Judicial Code" are available at the Student Services Office.

Examples of misconduct for which students are subject to disciplinary action include, but are
not limited to:

1) dishonesty in any form, such as cheating, plagiarism, misuse of identification cards, furnishing false information to the College or misuse of College funds; 2) obstruction or disruption of any College activity—academic, social, or administrative;
3) threats, physical harm or verbal abuse of any person on College property or at College sponsored activity;
4) theft of or damage to property of the College, or property of College personnel, students, or guests;
5) unauthorized entry to, or use of, any College facilities;
6) violation of rules governing College facilities;
7) disorderly conduct or lewd, indecent, or obscene conduct or expression on College property or at a College sponsored function;
8) use, possession, sale or distribution of illegal narcotic or abusive drugs or stimulants;
9) drunkenness, use, possession, sale or distribution of alcoholic beverages on College property, whether leased or owned and on the specified premises of a College sponsored off-campus function;
10) gambling on College property;
11) unauthorized possession or use on College premises of explosives or firearms; or
12) failure to comply with the directions of a College official acting in the performance of his/her duties.

Use of Alcoholic Beverages (500.3900.79)
College policy prohibits the use, possession, or sale of alcoholic beverages on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions.

Use of Controlled Substances (500.4000.79)
College policy prohibits the consumption, possession or sale of controlled substances and/or the presence of persons under the influence of controlled substances on College property, whether leased or owned, and on the specific premises of College sponsored or supervised off-campus functions.

Drugs & Alcohols (Athletes) (500.4050.07)

I. Athletic Drug Policy

All student-athletes at Western Nebraska Community College are required to adhere to this drug policy. The purpose of this policy is to protect the health and welfare of the student-athletes and to promote a drug free athletic environment. This will be accomplished through education programs,
drug testing, and appropriate treatment and response.

Purpose

The primary reason for the Drug Policy at WNCC is the well being of the student-athlete. The intention of this program is not to punish but to educate and treat individuals with drug problems. This will reduce health threats to student-athletes and promote the fairness of competition in compliance with NJCAA policies regarding drug abuse.

Education

Western Nebraska Community College will provide educational programs every semester to alert student athletes of the health risks and dangers associated with drug use/abuse. Student-athletes are required to participate in at least one program every semester.

Drug Screening

1) Administrators of the Drug Screening Program
   The certified drug program administrator will perform all drug testing with qualified personnel.

2) Notification and Consent
   - All student-athletes will be notified of when and where drug tests will be performed, although tests will be performed randomly. All student-athletes must read and sign a drug testing consent form every year in order to be eligible for NJCAA Division I athletics. Any student not willing to read and sign a consent form will be considered ineligible for participation in WNCC Athletics.

3) Confidentiality of Test Results
   - All information and records associated with the WNCC drug testing policy, including test results, will remain confidential and, unless otherwise required by law, will be released only to the following persons:
     a. Athletic Director or his/her designee.
     b. Chief Student Services Officer or his/her designee.

4) Drugs for Which the Screening Will Be Conducted
   - Substances that may be randomly tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates, synthetic opiates and PCP, and other substances, such as but not limited to steroids, barbiturates, and benzodiazepines without advance notice.

5) Frequency of Screening
   - Includes Tests by WNCC, NJCAA, and Other Organizations
     - For testing administered by or on behalf of WNCC, Athletic Director, or his/her designee, will notify students and head coaches of scheduled drug testing dates and times. Student-athletes are subject to the following types of testing:
       a. New student-athlete testing
       b. Random testing
       c. Reasonable suspicion testing
       d. Post-accident testing
       e. Return to play testing
       f. Follow-up testing

   Testing may occur throughout the calendar year, including during the summer. Athletic Director, or his/her designee, may also test students based upon just cause or reasonable
suspicion so that drug testing may produce evidence of drug use.

6) Specimen Collection---For Tests Conducted on Behalf of WNCC--Western Pathology Consultants or other certified drug program administrator under contract with the college will supervise the collection, screening, and analysis of a urine or saliva sample from the student-athlete; this may be an observed collection.

Each urine and/or saliva sample will be analyzed for the presence of banned substances and is the property of WNCC. Any time a student receives a positive result, the student will be subject to the consequences outlined below. The student will be responsible for obtaining necessary signatures on a routing form provided by the Athletic Director or his/her designee to demonstrate that required meetings have occurred.

Designated Counseling Programs

WNCC encourages students to seek assistance for problem drug and alcohol use. All student athletes testing positive will be required to attend counseling and drug assessment at the direction of the Athletic Director or his/her designee.

VI. Sanctions and Appeals

1) First Positive Test--If a student-athlete receives a positive test result for any banned substance or if a missed test is treated as a first positive, the following consequences will occur:
   a. The student-athlete will be declared ineligible for one (1) week of practice and/or competition to commence on the day after report of test results.
   b. The student-athlete will be subject to repeated unannounced drug testing to be conducted at any time under the direction of the Athletic Director or his/her designee.
   c. Athletic Director or his/her designee will meet with the student to discuss the test results, to discuss the potential consequences of drug use on health and performance, and to provide information about on-campus and off-campus resources for drug counseling.

2) Second Positive Test--If a student receives a second positive test result for any banned substance (the substance does not need to be the same substance that resulted in any earlier positive test), or if a missed test is treated as a second positive, the following consequences will occur:
   a. The student-athlete will be declared ineligible for the remainder of the regular season and post-season competition.
   b. The student-athlete shall also remain ineligible until he/she retests negative.
   c. Athletic Director or his/her designee will meet with the student to discuss the test results, to discuss the potential consequences of drug use on health and performance, and to provide information about on-campus and off-campus resources for drug counseling.
   d. The student-athlete will be subject to repeated unannounced drug testing to be
conducted at any time under supervision of the Athletic Director or his/her designee.

3) Third Positive Test--If a student-athlete receives a third positive test for any banned substance (the substance does not need to be the same substance that resulted in any earlier positive test), or if a missed test is treated as a third positive, the following consequences will occur:
   a. The student-athlete will be permanently suspended from the team.
   b.

4) Missing a Test--If a student-athlete fails to report for a drug test after being notified of the test, he or she will be required to provide a specimen to a designated facility at a time designated by WNCC and the student-athlete will be required to pay for the test. Except in extraordinary circumstance, the rescheduled time will be within 24 hours of the scheduled test. The missed test will be considered a positive test until proven otherwise. The student-athlete will not be permitted to play, practice, and attend team meetings, use WNCC facilities, or attend non-public WNCC activities until a missed test has been retaken as required by this policy. Failure to provide a specimen at the rescheduled test will be treated as (and subject to the consequences of) a positive test.

   If the student-athlete is tested at the rescheduled test and the test is negative, it will not be considered a positive test. The student-athlete will be required to pay for the full cost of the rescheduled sample collection. The student-athlete is responsible for getting to the rescheduled test at the designated place and time. The head coach will be notified by the Athletic Director or his/her designee of the missed test, the consequences for missing the test, and the student-athlete’s obligation to seek the rescheduled test.

   Student-athletes are required to complete their academic responsibilities (e.g., classroom or field experiences) and may be allowed to reschedule a drug test due to a documented academic conflict. The rescheduled test must occur within 24 hours of the scheduled test. To be allowed to reschedule within 24 hours, the student-athlete must inform the Athletic Director or his/her designee of an academic conflict at the time of the notification of the testing procedure. Student-athletes will be required to document each academic conflict to avoid an unexcused absence. WNCC staff has the discretion to decide whether the absence will be excused and to verify the academic conflict prior to the student-athlete missing the test.

5) Access to Information about Test Results--The Athletic Director and the Chief Student Services Officer, or his/her designees, will be informed of test results and missed tests that are treated as positive tests. Other college employees may be informed of test results to the extent necessary for the implementation of this policy.

6) Appeals Process--A student-athlete may appeal the finding of a positive result, violation of this policy, or the sanction imposed for either a positive test or violation of this policy. To appeal, the student athlete must provide written evidence of material procedural error, evidence that refutes the positive finding or violation, or evidence that the sanction is unreasonable. The student-athlete must submit the written appeal to the Chief Student Services Officer within seven days after the student is notified of the decision to be appealed.
If the student does not appeal within seven days, the result, finding, or sanction cannot later be reviewed. The decision of Athletic Director to suspend a student-athlete from play or practice on medical grounds is not a sanction (and cannot be appealed) under this policy. The Chief Student Services Officer will review the appeal and evidence de novo on the record, and will make a written decision to the student and Athletic Director within ten (10) school days. This decision will be final.

**Authority for Suspension or Probation (500.4100.79)**

Chief Student Services Officer is responsible to the President (in accordance with the position description) to duly process all matters related to academic or disciplinary probation or suspension. The President, in turn, acts as an appellant reviewing authority.

**Scholastic Probation and Suspension (500.4150.86)**

The purpose of probation is to warn a student of his/her unsatisfactory scholastic progress. A student will be placed on probation when progress towards his/her educational objectives is considered inadequate. Satisfactory progress is interpreted to mean that the student earns sufficient grade points to average 1.5 each semester on all work for which he/she was enrolled during the first 28 hours of credit and an accumulative grade point average of 2.0 on all work over 30 semester hours.

At the end of each semester, a student whose records are judged to be unsatisfactory will be placed on probation and recommended to seek counseling.

A student will be considered for academic suspension only after he/she has been on probation for one semester and his/her case has been reviewed by the Chief Student Services Officer. A suspended student will not be allowed to register for at least one semester immediately following suspension but will have the opportunity of petitioning the Student Affairs Council for special consideration.

**Disciplinary Procedures (500.4200.79)**

When there appears to be sufficient cause to conduct a disciplinary hearing, the Chief Student Services Officer, or authorized Student Services officer, shall conduct an appropriate investigation, including discussion with the person(s) involved. Based on this investigation, the Chief Student Services Officer, or his/her designee, may:

1) dismiss any allegations and stop proceedings.
2) impose in-house disciplinary action, accepted in writing by the person(s) in
question, with disciplinary procedures as deemed appropriate. Should the person(s) in question not accept in-house disciplinary action, the matter shall be referred to a disciplinary sub-committee of the appropriate College Council.

3) refer the matter for hearing to a disciplinary sub-committee.

The range of disciplinary actions may include, but are not limited to:

1) a verbal warning;
2) a written warning, advising that further violations may result in more serious action;
3) disciplinary probation, advising that further violations shall result in a more serious action;
4) disciplinary probation, and a removal of selected student privileges, such as use of College housing, participation in extra-curricular activities, or use of College facilities other than those directly related to current classroom work; or
5) suspension from College.

Actions of the disciplinary sub-committee are open to written appeal to the President within 72 hours after the official decision is received.

A student has the right to:

1) be present at the hearing;
2) have other persons speak in his/her behalf;
3) question those persons who are presenting information to the committee; and
4) present information in his/her own behalf.

Student Rights Appeal (500.4300.83)

A student attending the College who questions abridgement of his/her rights should first discuss the matter with the staff employee he/she feels has abridged those rights. An intermediate step should be for an employee of the Student Services staff to mediate a discussion between the student and the staff employee to clarify the matter and suggest alternatives, if needed. If the student is still not satisfied, the next option would be to file a grievance.

With regard to personal rights, the College does not discriminate on the basis of race, color, religion, national origin, sex, age, disability, or military veteran status, as is defined by law, in employment or in admission to or the operation of its educational programs and activities, as prescribed by federal and state laws and regulations. Inquiries concerning the application of these laws and regulations to the College may be directed to the College's Equal Opportunity Office, WCCA Human Resources Office, 1601 East 27th, Scottsbluff, NE 69361, or to the Director, Office

Each student has the right to file a grievance on any abridgement of his/her rights. Such an appeal must be initiated in writing by the student within three weeks after the alleged abridgement has occurred.

Appeal forms are available in the Student Services Office. The following procedure takes effect when an appeal of student rights is filed:

1) The Appeal Petition is forwarded to the Chairperson of the appropriate Division who will call a meeting of the Student Grievance Committee.
2) The Committee consisting of the Division Chairperson (who serves as Committee Chairperson), the Chief Student Services Officer (who serves as non-voting recording secretary), two members from the Division, one member from another Division, and two students—meets to consider the appeal. The Division Chairperson appoints two members from the Division, the Dean of Instruction appoints a member from another Division and handles exceptions to the appointment process, and the Student Government President appoints the two student members.
3) The student filing the appeal personally explains the written appeal and introduces any additional supportive information as he/she desires, including documents or information from other persons. The student filing the appeal may have person(s) of his/her choice sit with him/her at the meeting.
4) The staff employee who allegedly committed the abridgement is afforded the opportunity to question the presentation.
5) The staff employee who allegedly committed the abridgement personally presents his/her factual interpretation of the alleged abridgement and furnishes other supportive information as he/she desires, including documents or information from another person.
6) The student filing the appeal is afforded the opportunity to question the staff employee.
7) The Committee confers privately to reach a decision and to initiate appropriate action.
8) Within three working days, the findings are signed by a student member and a faculty employee. The Chairperson attaches a copy of the minutes and returns the petition to the Student Services Office. Copies are forwarded to the student, filed in the student's record, and forwarded to the President.
9) All proceedings of the open hearing are taped.
10) Appeals of the Committee action may be made in writing to the President.

Grade Appeal (500.4400.11)

It shall be the responsibility of the President to establish a fair and timely process for student grade appeal(s). The College grade appeal policy shall be available for use by all students and the College or its representatives shall not discriminate on the basis of race, color, religion, national origin, sex, age, disability, marital status, or military veteran status in the application of the grade appeal process. The grade appeal procedures are to be set forth in the WNCC Student Handbook and
Anti-Harassment-Student (500.4500.01)

General Information

The most productive and satisfying college environment is one in which learning, work, and other collegiate activities are accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the environment of diversity, violates the integrity of the College, and causes serious harm to the productive, efficiency and stability of the College organization.

All students have a right to work and function in an environment free from discrimination and harassing conduct, including sexual harassment.

Definitions

Harassment on the basis of an individual’s race, color, creed, ancestry, national origin, age, disability, gender, marital status, military status, religion, or other protected status is expressly prohibited under this policy. Harassment on any of these bases is also illegal under state and federal law.

Harassment that is sufficiently severe, pervasive, or persistent so as to interfere with, or limit the ability of an individual to work and function, or to create hostile environment is strictly prohibited. Conduct constituting harassment in the connection with or in the performance of College business/activity whether on or off campus is prohibited. (See Appendix, Series 5000, C-1-01.)

Student Requests for Services and Accommodations (500.4600.00)

Western Nebraska Community College has an institutional commitment to provide equal educational opportunities for qualified students with disabilities in accordance with state and federal laws and regulations, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. To provide equality of access for students with disabilities, accommodations and auxiliary aids and services will be provided to the extent necessary to comply with state and federal laws. For each student, these accommodations and auxiliary aids and services will specifically address those functional limitations of the disability, which adversely affect equal
educational opportunity. Western Nebraska Community College has designated the Chief Student Services Officer or his designee to assist qualified students with disabilities in securing such reasonable accommodations, auxiliary aids and services.

Western Nebraska Community College will maintain specific criteria and procedures to implement this policy.

1) “Disabled” means having a physical or mental impairment, which substantially limits one or more of a person’s major life activities.

2) “Qualified Disabled Student” means a disabled person who meets the academic and technical standards requisite to admission and participation in the educational program or activity.

3) “Accommodations” -- Such modifications to the course, program or educational requirements as are necessary and appropriate so that such requirements do not discriminate or have the effect of discriminating on the basis of disability. Academic requirements that are essential to the course or to the program of instruction being pursued by the student or which relate directly to licensing requirements will not be regarded as discriminatory within the meaning of this section. Potential modifications that may be considered include (but are not limited to) changes in the length of time permitted for completion of a degree, substitutions of specific courses required for the completion of degree requirements, extended time on an examination or paper, and other reasonable accommodations which do not fundamentally alter the essential nature of a course or academic program.

4) “Auxiliary Aids and Services” may include but are not limited to note-takers, readers, Braille or large print materials, and mobility training for students with visual impairments; sign language interpreters, real time captioning, and note-takers for students who are deaf or hearing impaired; and typists and scribes for students with manual impairments. (This is not an exhaustive list.) Devices or services of a personal nature such as personal attendants, individually prescribed devices, or readers for personal use or study are not provided.

Student Resources

The designated ADA/Section 504 Compliance Officer for western Nebraska Community College is the Chief Human Resources Officer. He/she may be reached at the Office of Human Resources located at Western Nebraska Community College, 1601 East 27th Street, Scottsbluff, Nebraska, or by calling 308-635-6105. His/her responsibilities include ensuring compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. In addition, the Chief Human Resources Officer may be contacted directly for non-student issues including access to buildings, non-academic events, and paths of travel as well as issued relating to the employment provisions of the ADA as
they relate to Western Nebraska Community College staff and members of the faculty.

**Students Eligibility**
Undergraduate students are eligible for consideration for accommodations and/or auxiliary aids and services if you have a documented disability and the Chief Student Services Officer or his/her designee has met with students and determined that functional limitations of the disability require such accommodations, auxiliary aids and/or services.

**Student Responsibility**
Each student bears the responsibility of initiating a disability-related request for accommodations, auxiliary aids and/or services with the Chief Student Services Officer or his/her designee prior to the time such a accommodations, auxiliary aid and/or services is needed. See below for suggested timeframes.

**Documentation**
Once specific academic accommodations, auxiliary aids and/or services are identified and discussed with Chief Student Services Officer or his/her designee, the student will be asked to provide the Dean of Student Services or his/her designee appropriate documentation to support the request. This documentation from an appropriate professional should be in the form of a diagnostic report. The Chief Student Services Officer or his/her designee has discretion to determine what type of professional documentation is necessary and may require the student to execute and deliver to Chief Student Services Officer or his/her designee appropriate releases for medical records and/or academic records. Appropriate documentation may vary depending on the nature and extent of the disability and the accommodation, auxiliary aid and/or services requested.

**Diagnostic Report**
The diagnostic report is the preferred documentation since it provides information about the student’s strength and weaknesses and allows for more effective decisions regarding reasonable accommodations. Such diagnostic reports should include these minimal requirements:

1) **A clear statement of the diagnosis.** If the report does not contain a line
stating that the individual has a learning disability, then, without further clarification, there is not valid documentation to support the presence of a learning disability or the need for academic accommodations. (Statements that the student has a “learning difficulty” or “learns differently” are not sufficient.)

2) **Scores from the tests administered.** The battery of tests used should contain widely accepted instruments such as the Weschler Adult Intelligence Scale, the Woodcock-Johnson Tests of Cognitive Ability, etc.

3) **Explanations of the appropriate academic accommodations.** The explanation of the appropriate accommodations must show a clear relationship with the student’s particular type of disability. This is especially critical if the accommodations being requested include course requirement substitutions.

Letters stating only that the student has a learning disability but which do not provide any diagnostic information or evidence of a history of accommodations are **not** acceptable.

In the event the Chief Student Services Officer or his/her designee feels it is appropriate to obtain a second professional opinion concerning the nature or severity of the disability, Western Nebraska Community College will bear the cost of obtaining that second opinion not covered by a third party payer.

The request for an accommodation will be evaluated promptly once the documentation has been received.

Requests for Accommodations, Auxiliary Aids, and/or Services

In order to facilitate requests for accommodations, auxiliary aids and/or services (including hiring qualified service providers), it is necessary for students to submit requests in writing to the Chief Student Services Officer or his designee. Request forms are available from the Chief Student Services Officer.

The following are examples of accommodations, auxiliary aids and/or services and the suggested period of time for requesting them. The list is not exhaustive and the timeframes are recommended ones. Students may request accommodations, auxiliary aids and/or services at any time prior to the time that such accommodations, auxiliary aid and/or services is needed; the availability of these may be affected, however, by a request made later than the suggested timeframes.

**Auxiliary Aids and Services**
Note-takers. The request should be made within the first ten (10) business days of each term, or as soon as the student recognizes the need for notes;

Typists/Scribes. The request should be made at least seven (7) business days in advance of the date the service is needed.

Reader Services/Books on Tape. The request should be as early as possible. Students requesting reader services and books on tape must be members of Recording for the Blind and Dyslexic (RFBD) in order to be eligible for Reader Services. Recorded texts will be provided by RFBD free of charge. If particular texts are not available through RFBD, the Chief Student Services Officer or his designee will record texts. Live readers will be provided on the student’s specific request when material cannot be recorded by the student’s due date. Note: RFBD and the Chief Student Services Officer need approximately three (3) weeks to record texts not available on tape, so it is important for the student to identify the texts well in advance of the first day of instruction.

It is the student’s responsibility to obtain the syllabus from the instructor in order to identify the required textbooks and reading assignments for the course. If the syllabus is not available three weeks prior to the first day of instruction, the student is encouraged to ask the instructor at that time that is, three weeks prior to the first day of instruction, to identify textbooks and reading assignments for the first three weeks of the term. Should the student encounter difficulty contacting the instructor or obtaining syllabus or reading information at that time, the student should immediately contact the Chief Student Services Officer or his designee for assistance.

Interpreters and Real-Time Captioners. The request should be made at least seven (7) business days in advance of the date the service is needed.

Alternate Media. The request should be made at least seven (7) business days in advance of the date the service is needed.

Examination and Paper Accommodations. Students with a documented disability may request an accommodation in regard to an examination or paper. The request shall be in writing and made through the Chief Student Services Officer or his designee. After reviewing the requested examination or paper accommodations
and determining the appropriate accommodation, the Chief Student Services Officer or his designee will write a letter addressed to the instructor. It is best for students to contact the Chief Student Services Officer or his designee before the beginning of the semester to request that such letters be written to instructors. At a minimum, students should request letters at least seven (7) business days prior to the date of the examination due date of the paper.

When the instructor wishes for a student to take an exam in the provided room, the student should make a written request to the Chief Student Services Officer or his designee for an exam room at least seven (7) business days prior to the date of the exam.

If the student requires the use of a computer, scribe, reader, or transcriptionist with which to take an exam, he/she should request such services in writing at least seven (7) business days prior to the date the service is needed.

**Determination, Notification, and Appeal Rights.**

**Determination.** Reasonable accommodations, auxiliary aids and/or services are determined following an individualized assessment of each request and discussion with the Chief Student Services Officer or his designee. Among the factors considered in determining reasonable accommodations, auxiliary aids and/or services for students are:

1) the nature of the student’s disability;
2) accommodations, auxiliary aids and/or services that have worked for that student in the past;
3) whether the requested accommodations, auxiliary aids and/or services will allow the student effectively to access and participate in the course or program; or
4) whether the requested accommodations, auxiliary aids and/or services will alter the essential requirement of the course or program.

Western Nebraska Community College is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program. Although most auxiliary aids and services are decided upon and provided by the Chief Student Services Officer or his/her designee, accommodations decisions are often made in collaboration with program/school administrators and relevant faculty. Recommendations made by the Chief Student Services Officer or
his/her designee are not implemented until this collaboration has occurred.

**Notification.** The Chief Student Services Officer or his/her designee receiving the request for an accommodation, auxiliary aid and/or service shall provide the student who made the request with written notification of the determination of the request (along with the effective date of any accommodations, auxiliary aid and/or service) within seven (7) business days of receiving the request. If a situation should arise whereby the Chief Student Services Officer or his/her designee needs additional time to assess a request or in providing an accommodations, auxiliary aid and/or service, he or she shall provide the student with written notification of the status of the request and the proposed date of determination.

**Request for Reconsideration.** If the student requesting an accommodation, auxiliary aid, and/or services disagrees with the determination communicated by the Chief Student Services Officer, the student may, within three (3) weeks after receipt of said determination, file a written request for reconsideration with the Compliance Officer who shall conduct an informal, but through investigation, offering all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the reconsideration. The Compliance Officer shall determine within fourteen (14) days of receipt of said Request for Reconsideration, the approval of accommodations, auxiliary aids, and/or services necessary to provide equality of access for students with disabilities in compliance with applicable state and federal laws. The decision of the Compliance Officer shall be final.

**Applicability.** This section is applicable to requests for accommodations, auxiliary aids and/or services other than those that are the subjection of the following section.

**Requests for Modification of Academic Requirement**

**Note:** The following separate procedure applies to student requests for modifications of academic requirements.

**Eligibility.** A student with a documented disability may request a modification of certain generally applicable academic requirements (for example, the number of units to be taken in an academic semester, substitution for otherwise required courses, course retakes or completion of courses, certain aspects of academic standing, etc.)
Procedure. The request shall be made to the Chief Student Services Officer or his designee in writing as early as possible (that is, at least ten (10) business days before the beginning of the academic semester or as soon as the need arises) and should be accompanied by documentation of the disability which supports the request. The request shall also include the requesting student’s name, address, e-mail address and phone number.

Determination. The Chief Student Services Officer or his/her designee will verify that the documentation is current, from an appropriate professional, and that it supports the request. The Chief Student Services Officer will then forward the student’s request and the Chief Student Services Officer decision to the Dean of Instruction or to the appropriate departmental, division, or other administrator (hereafter collectively referred to as the “academic decision-maker”) within seven (7) business days of having received the completed request (including the requested documentation) from the student. This time period may be extended by the Chief Student Services Officer or his/her designee if he finds good cause to do so. Depending on the nature of the request, the academic decision-maker will either issue a decision or convene an appropriate panel or body to review the matter and decide on it.

Appropriate modifications of academic regulations are determined following an individualized assessment of each request. Among the factors relevant in determining appropriate modifications of academic requirements for students are:

1) the qualification of the individual(s) making the assessment(s) regarding the student’s disability, including whether the individual(s) has knowledge or expertise in the disability in question;
2) whether the appropriate criteria for determining the existence of a disabling condition were used;
3) the extent to which the individual(s) making the assessment(s) is familiar with the student’s condition;
4) whether a course substitution or waiver is generally provided by institutions to accommodate the student’s particular disability;
5) whether experts in the field recommend a course substitution or waiver as an academic adjustment for the particular disability;
6) whether the student’s expert, and if applicable the College’s expert, recommend a course substitution or waiver as an academic waiver for the student; and
7) whether the course for which a substitution or waiver is sought is an essential requirement of the program of instruction the student is pursuing.

Notification. The academic decision-maker will notify the student in writing of the
decision within ten (10) business days of having received the request and the Chief Student Services Officer or his/her designee’s recommendation. The academic decision-maker may extend the dealing if it finds good cause to do so. If the request is denied, the denial will state the reasons for the decision.

Appeal. A student who disagrees with the decision on his or her request for modification of an academic requirement may appeal in writing to the President within ten (10) business days of the decision.

The written appeal should be filed with the Compliance Officer at the Office of Human Resources for Western Nebraska Community College. The appeal should include copies of both the original request and the decision made by the academic decision-maker, and should state the student’s reasons for disagreeing with the decision, the substantive and/or procedural basis for the appeal, (as more fully described below), and must be made on grounds other than general dissatisfaction with the decision.

The Compliance Officer will review the appeal for timeliness and compliance with the procedure including the requirement that the request for modification was submitted initially to the Chief Student Services Officer or his/her designee and received a recommendation by the Chief Student Services Officer or his/her designee, or by the academic decision-maker, and forward it to the Chief Instructional Officer. The Chief Instructional Officer (or his or her designee) will review the decision and inform the student of his or her determination within ten (10) business days of receiving the request. The deadline may be extended by the Chief Instructional Officer or he or she finds good cause to do so. The decision of the Chief Instructional Officer is final.

The review by the Chief Instructional Officer (or his or her designee) normally shall be limited to the following considerations:

1) Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the student?

2) Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the student?

3) Given proper facts, criteria, and procedure, was the decision which a person in the position of the decision-maker might reasonably have made?
Applicability. This determination and appeal procedure set forth in this section will supplant both the Student ADA/Grievance Procedure and the Student Rights Appeal Procedure for requests for modification of academic requirements due to disability. Questions concerning the applicability of this procedure should be directed to the Chief Student Services Officer.

Confidentiality and Records

Confidentiality. Western Nebraska Community College employees have an obligation to maintain confidentiality regarding a student’s disability. To that end, the Chief Student Services Officer or his/her designee will provide information to Western Nebraska Community College staff and faculty only when necessary in evaluating and/or facilitating accommodations, auxiliary aids and/or services. Except where permitted by applicable law, disability information will not be shared with non-Western Nebraska Community College employees without the student’s express written permission.

Records. Students’ files, containing disability documentation and a record of accommodations requested will be kept at the Office of the Chief Student Services Officer.
EDUCATIONAL SERVICES (600.0000.79)

CURRICULUM AND INSTRUCTION (610.0000.79)

Degrees (610.0100.79)
The College is authorized to award up to and including the associate degree. Such degree shall have as its minimum requirement 60 semester hours distributed as determined by College faculty and published in the College catalog.

Diplomas (610.0200.79)
The College shall award a diploma for the completion of a program that is less than two years in length or less than 60 semester hours. These programs are complete programs of study leading to specific employment skills.

Certificates (610.0300.79)
The College may award certificates for credit or non-credit offerings.

New Programs (610.0400.86)
All new programs must be approved by the Board prior to implementation.

Deletion of Programs (610.0500.86)
The termination of any program must be approved by the Board prior to elimination.

Courses (610.0600.86)
Courses are defined as the lowest unit of instruction for which a student can enroll. As such, they may be either for credit or for non-credit. Upon the recommendation by the Educational Services Council, individual courses shall be approved or disapproved by the President.

Grades (610.0700.79)
See Policy 500.1500.79.

Grade Appeals (610.0800.86)
See Policy 500.4400.86 and 500.4450.86.
Calendar and Schedules (610.0900.79)

The Board shall approve an annual calendar designating the length of academic terms. This calendar shall be published, subject to change, as part of the appropriate College publications.

Academic Recognition (610.1000.79)

See Policy 500.1600.79.

Scholastic Probation and Suspension (610.1100.86)

See Policy 500.4150.86.

Tutoring (610.1200.79)

No full-time faculty employee, administrative/professional employee, or support staff employee can tutor students for pay.

Preparation of Instructional and Other Materials (610.1300.86)

The College shall retain all copyright privileges, claims or other property interests, including the right to assign same to a publisher or others, of instructional or other materials prepared by a faculty employee in whole or in part within the scope of his/her employment, that is, during the time of employment by, at the expense of, or with personal equipment, supplies, or facilities of the College, or prepared pursuant to special order or commission by the College. Unless otherwise specifically agreed to in writing by the College, in advance, all such copyright privileges, claims or other property interests shall remain the exclusive property of the College.

Programs of Study (610.1400.79)

The College is a comprehensive institution of higher education, offering programs of instruction extending not more than two years beyond high school. (See Policy 805.0100.88.)

Occupational/Technical Education (610.1500.82)

See Policy 805.0100.94.

Transfer Program (610.1600.82)

See Policy 805.0100.94.

Evening Classes (610.1700.79)

In many curricula offered by the College, an associate degree, diploma, or certificate may be
earned through attendance of College evening classes although this method normally requires a longer period to complete the course of study. The evening classes are designed to furnish the non-traditional student with an opportunity to continue his/her education on a part-time basis.

**Developmental Studies (610.1800.79)**

Developmental studies provide an opportunity for students to obtain knowledge and skills in order to meet entry level requirements of programs at the College. These students may enroll only in developmental studies or, if qualified, may enroll in a combination of degree, diploma, certificate, and developmental courses as approved by counselors and advisors.

**Community Services Education (610.1900.79)**

In order to fulfill the ever-increasing educational needs of the College service area, the College will offer diversified programs of community-based education that will include:

1) the opportunity to take courses with or without credit during the regular day and evening class hours;
2) classes, forums, lectures, exhibits, short courses, and festivals to promote the cultural affairs of the communities;
3) various community developmental programs and seminars;
4) an offering of custom designed courses for industry, business, or other professional firm taught at the College or on site;
5) training the Adult Basic Education and General Education Developmental programs; and
6) other services as needed.

**Special Training and Apprenticeship Programs (610.2000.79)**

Special training programs may be provided where specific job opportunities are available or when various area agencies request apprenticeship or similar training. These programs, usually of a short duration, will be tailored to fit the needs of a specific community business, industry, profession, or group, and shall terminate when known needs have been satisfied. The training site will be determined at the time the request is compiled.

**Cooperative Work Experience (610.2100.79)**

In many program areas, cooperative work experience will be offered as part of the course of study. Students will be placed in work situations which are relative to their educational programs and occupational objectives. They work under the immediate supervision of experienced personnel at the business, industry, or agency in which they are assigned in conjunction with a faculty
coordinator.

Program Review and Approval (610.2200.79)

Programs offered by the College are based upon both the needs of students and of the community.

Proposed institutional programs shall be revised and approved by the Board. The President shall have the authority to approve courses and course content for courses that are within an approved institutional program, in continuing education and community service programs, and not a part of an approved program.

Evaluation of Programs (610.2300.86)

The development and delivery of high quality educational programs are essential activities in ensuring the College's service to the area. In accordance with applicable Nebraska statutes, the President shall periodically evaluate the program offerings of the College and recommend to the Board program modification, deletion, and addition.

LIBRARY SERVICES (620.0000.90)

The purpose of Library Services is to help individuals find the information that they need quickly and with a minimum of frustration. Library Services provides resources in a variety of formats (print, audiovisual, and computerized) and assistance in using them. Library Services include responsibility for all College campuses for traditional library services, audiovisual equipment, and library material usage.

Selection of Materials (620.0100.90)

Collection development is the responsibility of the Library Services Director. The Library Services Director works closely with faculty to determine the resources of greatest benefit. College Faculty are encouraged to recommend purchases and their requests are given priority consideration. Suggestions from any employee, student, or individual of the general public will be considered using the criteria for selection as outlined.

Materials are selected according to their:
1) correlation to the curriculum;
2) general use in providing information on all aspects of human knowledge;
3) use to promote recreational reading; and
4) value as literary works of importance.
Specific criteria used when selecting materials include:
1) critical reviews;
2) inclusion in bibliographies;
3) recommendation or request from a library user;
4) high standards of writing, authenticity, and accuracy;
5) an attractive format, sturdy binding; and
6) quality of illustrative material.

Periodicals (620.0200.90)
Due to the high cost of periodical subscriptions and their long term budgetary impact, they are chosen according to special guidelines. Periodicals should meet all of the standards outlined in Policy 620.0100.90 and in addition must be of direct correlation to the curriculum. They should be included in one of the periodical indexes to which the College subscribes. On the Scottsbluff campus, with the exception of computer magazines, periodicals are retained permanently or for a minimum period of ten years. Periodicals on the Sidney campus are retained for one year only due to the rapid change in technology. Periodicals that have higher usage in digital format will be retained in that format only, rather than receive a duplicated form in paper due to budgetary considerations.

Paperback Collection (620.0300.90)
To encourage reading for pleasure, the College libraries maintain paperback collections. These titles are chosen from popular reading bibliographies, bestseller lists, and upon request from borrowers. Paperbacks are discarded as they become worn.

Gifts (620.0400.90)
Gifts are accepted according to the same standards considered when purchasing materials. The Library Services Director is responsible for evaluating donations according to their relevance to the collection. When a gift is accepted, the donor will be asked to sign a form describing the material and specifying any use restrictions. The College libraries are not repositories for rare books or manuscripts. Unless specified at the time of donation, gifts may be removed as part of the normal withdrawal process.

Withdrawal of Materials (620.0500.90)
Materials which are outdated, misleading in content, irrelevant, or damaged must be removed
on a timely basis for the collection as a whole to remain vital. The following criteria are used to determine the usability of each item:

1) physical condition;
2) history of circulation;
3) inclusion in standard bibliographies;
4) content;
5) currency of information;
6) copyright date;
7) contribution to the strength of the collection; and
8) number of available copies.

Faculty will be asked to evaluate items, in their academic area, which are being considered for withdrawal. Discarded materials will be offered to College employees, students, and the general public. Materials may be offered to other agencies as it is appropriate. Occasionally, large sets of materials such as encyclopedias may be sold and the generated funds used to purchase replacement materials.

Loss or Damage (620.0600.90)

Borrowers will be held financially responsible for the materials that they use. In the event of loss or significant damage, a borrower will be charged for the list price of the material and an additional processing/cataloging fee.

Interlibrary Loan (620.0700.90)

The College cannot purchase all of the materials that patrons need. As part of the national interlibrary loan network, however, items may be borrowed briefly from another agency. Patrons are encouraged to request materials through interlibrary loan but are asked to use it with discretion, only to obtain materials for serious research and study. A fee structure for interlibrary loan shall be established and maintained by the Library Director.

Challenged Materials (620.0800.90)

The College ascribes to the Library Bill of Rights which emphasizes an individual's right to information regardless of age, race, religion, national origin, or political affiliation. The collections purposefully contain materials representing all points of view. The inclusion of materials does not
constitute an endorsement of the content but an acknowledgment of the need for balance.

Objections to materials in the collections must be submitted in written form. Forms for this purpose are available in the Library at the Scottsbluff campus and in the Learning Resource Center on the Sidney campus. A committee, consisting of the Chief Instructional Services Officer, the Library Services Director, and representation from the Curriculum Council shall review the complaint and respond.

Confidentiality of Library Records (620.0900.90)
Circulation records and any other information regarding the use of materials by library patrons are confidential in nature. In the event that records are summoned, the College will seek legal counsel to determine if such process, order, or subpoena is in proper form.

INFORMATION TECHNOLOGY (630.0000.00)
Information Technology Resources Policy (630.0100.98)
The College is a student-centered, open-access, postsecondary institution devoted to quality instruction and public service. Among the services provided are various information technology resources, including office/classroom computing equipment, distance learning system/computer laboratory/multimedia equipment, and network/Internet access. Regular employees and, where appropriate, currently enrolled students are encouraged to make use of these resources for educational purposes. Every user has two fundamental rights: privacy and fair access to the resources.

It is the College’s intent to prove basic, on-campus information technology facilities for all faculty, students, and appropriate staff.

All users of College information technology resources are responsible for seeing that these resources are used in a safe, effective, ethical, and lawful manner. Adherence to the following guidelines is the responsibility of each user:

1. Respect the intended purpose of the College’s information technology resources. Use should be for purposes of or in support of education or other College related activities.
2. Users should never knowingly violate federal, state or copyright laws.
3. College information technology resources should not be used for commercial ventures or for personal financial gain.
4. Use of College information technology resources to interfere with or disrupt network
users, services, or equipment is not acceptable. Such interference or disruption includes, but is not limited to:

- attempts to discover another user’s network password
- distribution or execution of any program or file that damages another user’s files or otherwise impedes the performance of College computing resources
- attempts to gain access to resources/equipment for which proper authorization has not been given
- attempts to gain administrative rights to any system
- using an unfair share of resources

5. Allowing another individual access to computing resources by sharing login names/passwords is prohibited. When establishing network or Internet accounts, each user will be given an account name with a user modifiable password. Users are responsible for the proper use of the account, including password protection and the prevention of use of the account by others.

6. Each user should follow published College approved procedures for the use of office computers, multimedia equipment, Internet resources, distance learning systems, computer laboratories and (local/wide area) networks. Individual departments and administrative units may define additional conditions of use for the areas under their supervision. Any such additional conditions must be consistent with this overall policy but may include more detailed guidelines, and where necessary and appropriate, additional restrictions as formulated by the College President.

Privacy and Security

1) Computer programs and files are confidential unless they have explicitly been made available to other authorized users. Unauthorized copying, renaming, modifying, examining, or deleting computer files belonging to someone else on a shared directory is unacceptable. Files users prefer to keep confidential should be stored in another location.

2) College information technology staff may access users files when necessary for the maintenance of computing facilities. When performing maintenance, every effort will be made to insure the privacy of users files.

3) The College cannot guarantee the privacy or confidentiality of any computer-based communication. Therefore, the College requests that all users of computer-based communication using College systems refrain from sending or receiving confidential or private information as a routine procedure.

4) The College reserves the right to inspect, copy, store, and disclose the contents of computer-based communication at any time. It will only do so when it is believed to be appropriate to prevent or correct improper use, to satisfy a legal obligation, or to maintain proper operation of computer systems.

5) The College cannot be responsible for the loss of information from misuse, malfunction or contamination. While the College will make every effort to insure the integrity of all computing resources and information stored thereon, users are strongly advised to make frequent backups of their information.
User Conduct

Users of computing resources should refer to the published procedures and policies for information about their responsibilities in using a specific system. Examples of misconduct which may result in disciplinary action are listed in the student judicial code and in the Manual of Policies of the Board of Governors of Western Community College Area.

User Files

The College will make every effort to ensure the integrity of the computing resources and information stored thereon; however, the College cannot be responsible for the loss of information from misuse, malfunction, or contamination. Users are encouraged to make frequent backups of their information.

Privacy and Security

1) Computer programs and files are confidential unless they have explicitly been made available to other authorized users. Unauthorized copying, renaming, modifying, examining, or deleting computer files belonging to someone else on a shared directory is unacceptable. Files users prefer to keep confidential should be stored in another location.

2) College information technology staff may access users' files when necessary for the maintenance of computing facilities. When performing maintenance, every effort will be made to insure the privacy of users' files.

3) The College cannot guarantee the privacy or confidentiality of any computer-based communication. Therefore, the College requests that all users of computer-based communication using College systems refrain from sending or receiving confidential or private information as a routine procedure.

4) The College reserves the right to inspect, copy, store, and disclose the contents of computer-based communication at any time. It will only do so when it is believed to be appropriate to prevent or correct improper use, to satisfy a legal obligation, or to maintain proper operation of computer systems.

5) The College cannot be responsible for the loss of information from misuse, malfunction or contamination. While the College will make every effort to insure the integrity of all computing resources and information stored thereon, users are strongly advised to make frequent backups of their information.

Computer-Based Communication (630.0200.96)

Introduction

This policy applies to all members of the College community and refers to all computer-based communication of the College as well as the parameters.

Individual departments and administrative units may define additional "parameters of use" for computer-based communication under their supervision. Any such additional parameter must be
consistent with this overall policy but may include more detailed guidelines and, where necessary
and appropriate, additional restrictions, as formulated by the President

Any user of the computer-based communication software and equipment whose actions
involving communication violate this policy, or any College policy or regulation, may be subject to
limitations or elimination of computer-based communication privileges as well as other disciplinary
actions.

Access

It is the College's intent to provide basic, network-connected computer-based communication
facilities for the on and off campus use of faculty, students, and appropriate staff.

Confidentiality/Privacy

The College is not a publisher of the material which becomes the subject of computer-based
communication and it cannot guarantee the privacy or confidentiality of any computer-based
communication. Therefore, the College requires that all users of computer-based communication,
using College equipment and software, refrain from sending or receiving confidential, or private
information as a routine procedure. The College reserves the right to inspect, copy, store, and
disclose the contents of computer-based communication at any time. However, it will do so only
when it believes it is appropriate to prevent or correct improper use, satisfy a legal obligation, or
insure proper operation of the electronic facilities. There is no expectancy and/or assurance of
privacy for information sent, received, or stored on College computer-based systems, other than the
College's internal computer-based record keeping system.

Electronic Data/Communication (630.0300.10)

Whereas, Western Community College Area’s Board of Governors has adopted Board Policy
No. 630.0100.98 et seq., which policy provides for the appropriate use of Western Nebraska
Community College’s (hereinafter referred to as “College”) information technology resources, and

Whereas, said policy sets forth under privacy and security as follows, to-wit:

1) Computer programs and files are confidential unless they have explicitly been made
available to other authorized users. Unauthorized copying, renaming, modifying,
examining, or deleting computer files belonging to someone else on a shared
directory is unacceptable. Files that users prefer to keep confidential should be
stored in another location.
2) College information technology staff may access users’ files when necessary for the maintenance of computing facilities. When performing maintenance, every effort will be made to insure the privacy of users’ files.

3) The College cannot guarantee the privacy or confidentiality of any computer-based communication. Therefore, the College requests that all users of computer-based communication using College systems refrain from sending or receiving confidential or private information as a routine procedure.

4) The College reserves the right to inspect, copy, store, and disclose the contents of computer-based communication at any time. It will only do so when it is believed to be appropriate to prevent or correct improper use, to satisfy legal obligation, or to maintain proper operation of computer systems, and

Whereas, the policy further provides for confidentiality/privacy as follows, to-wit:

The College is not a publisher of the material which becomes the subject of computer-based communication and it cannot guarantee the privacy and confidentiality of any computer-based communication. Therefore, the College requires that all users of computer-based communication using College equipment and software refrain from sending or receiving confidential or private information as a routine procedure. The College reserves the right to inspect, copy, store, and disclose the contents of computer-based communication at any time. However, it will do so only when it believes it is appropriate to prevent or correct improper use, satisfy a legal obligation, or insure proper operation of the electronic facilities. There is no expectancy and/or assurance of privacy for information sent, received, or stores on College computer-based systems other than the College’s internal computer-based record keeping system, and

Whereas, in order to protect the privacy and/or confidentiality of electronic data/communication, the President of Western Nebraska Community College does hereby put in place this Electronic Data/Communication Policy, which shall limit the review of computer-based information as follows:

It is the administrative policy of Western Nebraska Community College that information contained on the College’s computers, servers, networks, and internet services shall not be reviewed by College employees, including not being reviewed by IT Technicians employed by College unless specifically authorized by the President. Information shall be defined as: electronic data, communication, or other record not intended for use or review by the individual(s) accessing the record.

College computer network and internet service are provided for administrative and educational communication purposes consistent with the College’s educational mission, curriculum, and instructional goals. All board policies and expectations for professional conduct are applicable when College employees are using the College’s
computers, network systems, and internet services.

The level of employees’ access to computers, networks and internet services are based upon specific job requirements and needs. Unauthorized access to secure areas of computers and networks is strictly prohibited.

Those employees/individuals responsible for the maintenance of the College’s computers, networks, and internet services shall not review information as defined above from employees of the College without the specific direction of the College President.

All College employees shall advise the College President as to any suspected violation of the acceptable use of computers, technology, and internet policy.

The above mentioned procedures are intended to protect information written in emails or other data which may include confidential information, including but not limited to personal information and/or college records.

This prohibition shall apply to all employees of the College, and is intended to restrict review of computer-based communications, but yet provide a method of insuring that each user follows College approved procedures for use of College computers, internet resources, distance resources, computer labs, and networks.

The College President reserves the right to review the contents of all computer-based communications, user files, and emails at any time if the College President believes it to be appropriate to prevent or correct improper use, satisfy legal obligations, or maintain proper operation of the computer systems.
AUTHORITY FOR THE ESTABLISHMENT OF THE WESTERN COMMUNITY COLLEGE AREA AND THE BOARD OF GOVERNORS

The Nebraska Legislature, pursuant to the laws of the State of Nebraska, authorizes the establishment of a statewide independent system of locally-governed community colleges.

The Legislature has declared a community college to be truly responsible to the people it serves. Primary control of such colleges must be placed in the citizens within its geographical area. The intent and purpose of this Act is to create locally-governed and locally-supported community college areas with the major educational emphasis on occupational education. Each community college area is intended to be an independent, local, unique, and vital segment of higher education separate from both elementary and secondary school systems and from other institutions of higher education, and not to be converted into four-year baccalaureate degree-granting institutions. The Western Community College Area has been created for such intents and purposes.

This sets forth the policies and guidelines for the operation of the Western Community College Area.

As used in this manual, unless the context otherwise requires:

1) Western Nebraska Community College shall mean the educational institution established by its Board of Governors and operating within its jurisdiction in the Counties of Sioux, Dawes, Sheridan, Box Butte, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Grant, and voting districts in Merriman, Russell, King, Mother Lake, Cody, Barley, Gillespie, Lackey, and Calf Creek of Cherry County, and will hereafter be referred to as the College or WNCC as appropriate.
2) Board of Governors shall mean the Western Community College Area Board of Governors.
3) Area refers to the twelve and one-half counties and five voting districts in the geographical area served by Western Nebraska Community College.

Role and Mission Statement

Philosophy

The College is a comprehensive community college committed to serving the residents of western Nebraska with higher education and life-long learning opportunities. We -- the faculty, staff, and Board -- seek to provide leadership in education while responding to the identified needs of area residents by providing high-quality educational programs and support services that are
accessible to all who can benefit from them.

In fulfilling our role and mission, we subscribe to the following philosophy:

1) Belief in the inherent right of every person to an opportunity for education commensurate with the individual's potential and interest. We offer a comprehensive program which includes academic and technical courses as well as general education for transfer to a baccalaureate-granting institution or preparation for entry to the job market.

2) Responsibility for providing an environment that offers opportunities for developing quality in academic, technical, and vocational disciplines. We are committed to helping students clarify goals by improving skills and providing guidance, encouragement, and assistance in a positive atmosphere fostering personal growth and social responsibility.

3) Commitment to life-long learning. We provide area business and industry with vocational training for skilled employment which encompasses in-service/pre-service training in addition to basic skills, continuing education, and avocational interests.

4) Awareness of the changing role of education. We are prepared to make adjustments in the curriculum and services to meet the diverse, unique needs of students.

Role and Mission *

The College shall be a student-centered, open-access institution primarily devoted to quality instruction and public service, providing counseling and other student services intended to promote the success of a diverse student population, particularly those who have been traditionally underserved in other educational settings. The College, individually and collectively, shall provide the following instructional and service priorities:

1) Applied Technology Education - Including associate of applied science degrees (A.A.S.), diplomas, certificates, and course work to qualify individuals for entry into employment or to enable individuals to remain current, to upgrade skills, or to acquire new skills;

2) Transfer Education - Including liberal arts and sciences associate degrees (A.A. and A.S.) comprising course work which is comparable to the course work of the first two years of a bachelor's degree program and applied technology degrees comprising course work which may be applicable to the course work of the first two years of a bachelor's degree program;

3) Academic Foundations Education - Including remedial programs, developmental programs, adult basic education, general education development, English as a second language, and refresher courses;

4) Adult Continuing Education - Including career-related programs and services for professional certification or improvement;

5) Economic & Community Development - Including customized training programs developed for businesses and communities to meet needs such as occupational
assessment, job training, and job upgrading and other programs and services that are within the scope of the college's expertise;
6) Public Service - Including avocational and personal development courses and activities not specifically identified in other priorities; and
7) Applied Research - Limited to the enhancement of the instructional programs, student achievement, institutional effectiveness, and public service activities or related to faculty professional development.

* LB 263 passed by Ninety-Third Legislature, Nebraska 1993.

Retained Rights (805.0150.77)

The Board shall operate and maintain WNCC and all of its sites. It is understood that the rights of the employees are set forth throughout the Manual of Policies. Such rights shall not be abridged by this Retained Rights clause. However, subject only to the express limitations set forth elsewhere in applicable statutes, the Board, who may delegate such authority to the President, shall continue to hire, transfer, promote and demote employees; to discipline, reprimand, suspend, or discharge employees; to lay off and recall employees; to determine work load, office hours, qualifications for advancement, assignment of work, and select professional employees; to make administrative evaluation of employees; to extend contracts; to determine the number of employees to be used in any classification or activity; to prepare, enter into and execute employment contracts between any professional employee and the Board which shall include by reference this Manual of Policies; to determine the period, curriculum and content of any school term or course; to establish or modify rules, regulations and practices; to grant sabbatical leaves on such terms and to such persons as the Board may from time to time determine necessary or desirable; to close down or move the College or any part thereof or to curtail operations; to establish new departments or operations and to discontinue existing departments or operations, in whole or in part; to purchase or acquire and to sell or dispose of any assets; to control, maintain and regulate the use of buildings, equipment, and other property of the College; to introduce new or improved methods or equipment; to subcontract work as the Board deems necessary or desirable; to determine the number and location of operations, services and courses; and otherwise, generally to manage the College and direct the employees. The above rights are not all inclusive but enumerate by way of illustration the type of rights which belong to the Board. All other rights, powers, or authority which the Board had prior to the signing of the Manual of Policies are retained by it, except those which have been specifically abridged, delegated, or
modified by the Manual of Policies; it being understood and agreed that nothing in the Manual of Policies shall restrict or modify the rights and duties of the Board as provided by law.

Institutional Statement of Values (805.0200.98)
The Board, faculty, and staff of the College commit to acting according to the following values, which are essential to maintaining the integrity and vitality of the College community. All citizens of the college community shall be treated with care and respect. The College is an environment where people are treated fairly and given equal opportunities.

OUR VALUES:

**Individuality:** We appreciate the uniqueness of each individual within the college community. We respect, admire, and encourage the individuality and diversity of each member of the community.

**Learning Community:** At the College, student learning is our primary focus. This is accomplished through

a. Excellence in teaching
b. Fostering lifelong learning
c. Continuous professional development of faculty and staff
d. Innovation in processes, delivery of services, and technology

**Communication:** Recognizing that communication is the heart of any institution, we resolve to listen actively and offer thoughtful, informed responses

a. Be certain that information shared is accurate
b. Disseminate, in a timely fashion, information to aid in the performance of duties and the education of students
c. Confront and seek to resolve conflict in a respectful manner

**Teamwork:** Recognizing that we do not stand alone and what we do can and does affect other areas of the college, we resolve to

a. Work together by fostering a team attitude
b. Accept and work toward building group consensus
c. Demonstrate consideration for each other
d. Use participatory meeting methods

**Personal Responsibility:** Recognizing that we are responsible for being involved in and contributing to decisions affecting the institution and its students, we commit ourselves to:

a. Being responsive to our students and our community
b. Empowering student learning, responsibility, and community service
c. Following through on student issues/questions
**Honesty and Integrity**: We believe that academic and personal honesty are essential elements in our learning environment, and that employees and students must at all times speak and act truthfully and with integrity.

**Accountability**: We are accountable for our personal and professional actions and our outcomes as members of the college community.

**Excellence**: We challenge each other and ourselves to excellence.

**Review of Instructional Offerings (805.0202.85)**

It is the policy of the Board to maintain an ongoing process of review for all instructional offerings within the College service area. Furthermore, it shall be the intent of the Board to conduct such review annually according to criteria established by the administration and consistent with the "Role and Mission Statement" of the College and appropriate Nebraska statutes.

**Accreditation (805.0300.79)**

The College may seek appropriate accreditation for all of its sites and programs.

**ORGANIZATION (810.0000.79)**

**Size of Board (810.0100.79)**

The College shall be governed by a board composed of eleven members. This governing body shall be known as the Board of Governors.

**Organization (810.0200.79)**

At an annual organizational meeting, the Board shall elect among its members a Chairperson and a Vice Chairperson, each to serve one year. The Board shall appoint a Secretary and a Treasurer. (One person may hold both offices).

**DUTIES, POWERS, AND RESPONSIBILITIES (815.0000.96)**

The Board shall be charged with the following duties, powers, and responsibilities:

1) Have general supervision, control, and operation of the College.

2) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, develop and offer programs of applied technology education, academic transfer programs, academic support courses, and such other programs and courses as the needs of the College may require. The Board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and the College.

3) Employ, for a period to be fixed by the Board, executive officers, members of the
faculty, and such other administrative officers and employees as may be necessary or appropriate and fix their salaries and duties.

4) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities.

5) Contract for services connected with the operation of the College as needs and interest demand.

6) Cause an examination and comprehensive audit of the books, accounts, records, and affairs, including full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals as defined by law, to be made annually covering the most recently completed fiscal year. The audit of each area shall include the full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals for the three most recently completed fiscal years which shall be used for calculation of aid to the College as prescribed by Nebraska law. The audit shall also include the county-certified property valuations for the College for the three most recently completed fiscal years which shall be used for calculation of aid to the College. Such examination and audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before October 15 of each year. The examination and audit of the full-time equivalent student enrollment totals, reported aid equivalent totals, and reimbursable educational unit totals shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year.

7) Establish fees and charges for the facilities authorized by law. The Board may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities.

8) Receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the College programs as specified by law. The Board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income there from according to the terms and conditions thereof and adopt and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds.

9) Prescribe the courses of study for the College under its control and publish such catalogs and bulletins as may be necessary.

10) Grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate.

11) Adopt and promulgate such rules and regulations and perform all other acts as the Board may deem necessary or appropriate to the administration of the College. Such rules and regulations shall include, but not be limited to, rules and regulations relating to facilities, housing, scholarships, discipline, and pedestrian and vehicular traffic on property owned, operated, or maintained by the College.
12) Employ, for a period to be fixed by the Board, an executive officer for the College and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it. Such delegated powers and duties may be exercised in the name of the Board.

13) Acquire real property by eminent domain pursuant to law.

14) Acquire real and personal property and sell, convey, or lease such property whenever the College will be benefited thereby. The sale, conveyance, or lease of any real estate owned by the College shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the Board.

15) Enter into agreements for services, facilities, or equipment and for the presentation of courses for students when such agreements are deemed to be in the best interests of the education of the students involved.

16) Transfer tribally controlled community college state aid amounts to a tribally controlled community college located within its community college area.

17) Invest, after proper consideration of the requirements for the availability of money, funds of the College in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another.

18) Establish tuition rates for courses of instruction offered by the College. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska.

19) Establish a fiscal year for the College which conforms to the fiscal year of the state.

20) Exercise any other powers, duties, and responsibilities necessary to carry out the College's role and mission.

Additional Powers of the Board (815.0100.79)

The Board shall have the power to issue and sell revenue bonds and general obligation bonds for the purchase, construction, reconstruction, equipping, demolition, or alteration of capital assets and the acquisition of sites, right-of-ways, easements, improvements, or appurtenances and other facilities connected with the operation of the College. The Board may establish in its budget a capital improvement and bond sinking fund. Such fund shall be used first for the retirement of bonds assumed by the Board, then for the retirement of bonds issued pursuant to the laws of the State of Nebraska, and then for the purchasing on contract, leasing, constructing, renovating, and improving of facilities necessary to carry out the provisions of this manual. Revenue bonds issued shall be subject to all applicable provisions pursuant to the laws of the State of Nebraska. No general obligation bonds shall be issued without the approval by a majority vote of the qualified electors of the Western Community College Area voting in a general, primary, or special election called for such purpose, upon notice given by the members of the Board at least 20 days prior to such election. No bonds issued, pursuant to the laws of the State of Nebraska, shall be an obligation of the State of Nebraska and no state tax shall be levied to raise funds for the payment thereof or interest thereon.

The Board may issue warrants in an amount necessary to finance the operating expenses of
the College until the proceeds of the tax levy, pursuant to the laws of the State of Nebraska, are received. The amount of such warrants plus interest shall not exceed the amount of the money to be received from the property tax levy. Whenever such warrants are issued they shall be the general obligation of the College and the full faith and credit of the College shall be pledged to retire such warrants. In addition, the Board shall set aside from the proceeds of this property tax levied pursuant to this manual an amount sufficient to pay the warrants and the interest thereon. Such warrants shall be subject to registration pursuant to the laws of the State of Nebraska.

**Election Districts and Terms of Office (815.0200.96)**

The Board shall establish five election districts as nearly equal in population as may be practicable within the Western Community College Area and shall transmit the appropriate information pertaining to such election districts to the Secretary of State and to the appropriate election officials. Therefore, two members of the Board shall be elected from each election district, and one member shall be elected at large from the Western Community College Area. Board members shall be elected for four-year terms. Members shall be elected on the non-partisan ballot pursuant to the laws of the State of Nebraska, and nominating papers shall be filed with the Secretary of State. No filing fee shall be required. No person shall be eligible to membership on the Board who is an elected or appointed member of any other board relating to education. Each member elected to represent a district shall be a resident of that district.

**Vacancies on the Board (815.0300.96)**

A vacancy on the Board shall exist in the event of the death, disability, or resignation from the Western Community College Area of any member. In addition to the events listed above, a vacancy shall exist in the event of the removal of a Board member from the Board. After notice and hearing, a vacancy shall also exist when any Board member is absent from more than three consecutive regular meetings of the Board unless such absences are excused by a majority of the remaining Board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining Board members within 60 days after the vacancy occurs for the balance of the unexpired term, and said appointee shall come from the same voting district and meet the same qualifications. Such appointment shall be made in writing and certified to the Office of the Secretary of State. If, after an election, there shall through any cause whatsoever be a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to the laws of the State of Nebraska. An incumbent shall not be permitted to hold over the term, but such office shall
automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term.

**Excused Absence from Board Meetings (815.0350.96)**

Individual Board members are requested to notify the Board Secretary of any expected absence from an upcoming Board meeting. All absences from Board meetings by Board members shall be considered and voted on by the Board as excused or unexcused by a single majority of those members present at the meeting.

Generally, excused absences will fall within one of five categories:

1) **Personal Business** -- The Board member's personal business or career interest require his/her absence from the meeting.
2) **Personal Health** -- The Board member's medical condition requires him/her to be absent from the meeting.
3) **Family Concern** -- The Board member's family needs require him/her to be absent from the meeting.
4) **Community or Public Service** -- The Board member's personal commitment to other community or public service requires his/her absence from the meeting.
5) **Acts of God** -- The Board member is unable to attend the meeting due to weather developments, travel problems, accidents, etc.

Each absence will be reviewed and voted on by the Board on an individual basis. Pursuant to the laws of the State of Nebraska, three consecutive unexcused absences, as voted on by the Board, may be cause for removal from the Board.

**Compensation of Board Members (815.0400.79)**

See Policy 335.0000.79.

**OPERATING RULES (820.0000.79)**

**Officers (820.0100.79)**

The officers of the Board shall be a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer.

**Election of Officers (820.0200.99)**

The officers of the Board shall be nominated and elected at the first regular meeting in January according to the following provisions:

1) **Chairperson** -- The Chairperson shall serve a term of one year with no limit to the number of terms served.
2) **Vice-Chairperson** -- The Vice-Chairperson shall serve a term of one year with no
limit to the number of terms served.
3) Secretary -- The Secretary shall serve a term of one year with no limit to the number of terms served.
4) Treasurer -- The Treasurer shall serve a term of one year with no limit to the number of terms served.

**Vacancies (820.0300.79)**

The Vice-Chairperson automatically succeeds the vacancy of the Chairperson, and all other positions shall be filled as soon as practicable by the Board.

**Duties and Responsibilities of Chairperson (820.0401.99)**

1) To preside at all meetings and decide on questions of order.
2) To appoint members to all Board approved committees. Such appointments shall be approved by the Board.
3) To call special and emergency meetings of the Board as required.
4) To work with the President in developing the agenda for each Board meeting.
5) To act as official spokesperson for the Board.
6) To perform any other duty formally assigned by the Board as required by the laws of the State of Nebraska.
7) To perform any other duty as may be necessary for the benefit of the College.
8) To provide guidance and direction to the Board.
9) To objectively represent the positions taken by the Board.

**Duties and Responsibilities of Vice-Chairperson (820.0402.79)**

1) In the absence or disability of the Chairperson, to perform all duties of the Chairperson of the Board.
2) To perform such other related functions as the Chairperson of the Board may request.
3) To succeed the Chairperson in the event of a vacancy.

**Duties and Responsibilities of Secretary (820.0403.97)**

1) To give written notifications to all concerned of regular and special meetings of the Board.
2) To transmit the Board agenda and a copy of the minutes of the previous meeting to the Board and such other persons as the Board may designate prior to an ensuing meeting.
3) To notify Board members and appropriate staff employees of all standing Board committee meetings.
4) To record, prepare, and distribute to all Board members the minutes of all regular and special meetings.
5) To prepare and maintain for the Board an indexed compilation of all its policies.
6) To advise the President and the Board of any communications which require consideration and action by the Board.
7) To provide input into developing the annual budget of the Board.
8) To perform such other duties as may be assigned by the Chairperson.
Duties and Responsibilities of Treasurer (820.0404.79)

1) To keep current, complete, accurate, and legal records of all College money collected and expended.
2) To disburse College funds only upon the proper order and authorization from the Board.
3) To notify the Board of all funds received, the source and nature of such funds, and to arrange for the deposit of such funds in legally constituted financial institution(s) after which all such funds shall be allocated to the appropriate accounts of the College.
4) To invest the College's surplus funds, if any, in lawful investments.
5) To publish a monthly and annual statement of revenue, expenditures, and fund balances as of the end of each month and the fiscal year.
6) To prepare such other reports and perform such other duties as the Board may direct.
7) To secure an annual examination and comprehensive audit of the books, accounts, records, and affairs, including management letters, immediately following the close of each fiscal year.

Ex-Officio Faculty Board Member (820.0500.88)

As a measure to promote communication between faculty and the Board, the Board creates and establishes two "ex-officio" faculty Board positions, in accordance with the following criteria:

1) The term of office shall be for one year, commencing on September 1 and ending on August 31 of each year.
2) Full-time faculty shall be selected by an election process as prescribed and conducted by the President. All full-time faculty shall be eligible to nominate or vote for candidates from his/her respective site. Each faculty representative shall be afforded transportation and incidental expenses to all out of town Board meetings.
3) Each faculty representative shall be afforded the opportunity for full discussion privilege on all items of the Board except those discussed pursuant to Section 84-1410 (1) of the Nebraska Revised Statutes (1975 Cumulative Supplement), popularly known as the Nebraska Public Meeting Law; any item dealing with the collective bargaining process between the Board and the Western Education Association; any item of a faculty employment nature; and/or any issue that should be addressed to College administrative officers for resolution.
4) Each faculty representative shall be afforded the privilege to request agenda items through the President.
5) Each faculty representative shall serve without voting privileges.

Ex-Officio Student Board Member (820.0550.88)

As a measure to promote communication between students and the Board, the Board creates and establishes three "ex-officio" student Board positions, in accordance with the following criteria:

1) The term of office shall be for one year, commencing on September 1 and ending on August 31 of each year.
2) Full-time students from each Campus shall be selected by an election process as prescribed and conducted by the Campus student government, including the following provisions: a) Nomination shall be by petition, with the signatures of five full-time students
that support the petitioning student; b) Election shall be by written ballot; and c) All full-time students shall be eligible to vote.

3) Each student representative shall be afforded transportation and incidental expenses to all out of town Board meetings.

4) Each student representative shall be afforded the opportunity for full discussion privilege on all items of the Board except those discussed pursuant to Section 84-1410 (1) of the Nebraska Revised Statutes (1975 Cumulative Supplement), popularly known as the Nebraska Public Meeting Law.

5) Each student representative shall be afforded the privilege to request agenda items through the President.

6) Each student representative shall serve without voting privileges.

7) Each student representative serves as the representative of their home campus student body and shall provide regular reports to their respective student government.

STANDING COMMITTEES (825.0000.79)

The Executive Council shall assist the President in addressing issues of immediacy and importance that otherwise cannot wait for regularly scheduled Board meetings.

The standing committees of the Board shall be:

1) The Audit Committee shall consider matters pertaining to the annual audit to include: selection of firm; scope and plan; review of results with the firm; and any other audit matters.

2) The Board Policy Committee shall consider matters pertaining to the review and development of all policies.

3) The Budget and Finance Committee shall consider matters pertaining to the capital construction budget and the general operating budget, insurance, and any other financial matters.

4) The Educational and Student Services Committee shall consider matters pertaining to instructional programs, occupational advisory committees, community services programs, and student affairs.

5) The Human Resources Committee shall consider all matters pertaining to the College’s work force issues.

6) The Risk Management Committee shall consider matters pertaining to risk, insurance, and safety. (Refer to Policy #335.0500.87.)

Appointment and Term of Office (825.0100.79)

The Board Chairperson shall make appointments to standing committees for a term of one year commencing at the first regular meeting in February. Committee members may be appointed for no more than four consecutive terms. The Board shall approve these appointments. The Board Chairperson shall also appoint committees in such a manner so as to rotate membership of the committee to provide different committee experience for all Board members.

The Executive Council shall be comprised of the Chairperson, Vice Chairperson, and three other Board members appointed by the Chairperson.
Standing committees shall select a chairperson on an annual basis. The position of Chairperson shall be rotated among committee members. The Board Chairperson may serve as an ex-officio member of all Standing and ad-hoc committees of which he/she is not a member.

**BOARD MEETINGS (830.0000.79)**

**Regular Meetings (830.0100.98)**

Regular meetings of the Board shall be on the third Wednesday of each month at 1:00 p.m. in the Boardroom on the Scottsbluff Campus. The Board can change the meeting time and/or location for forthcoming meeting(s) by a majority vote of those members present.

Additionally, the Chairperson, at his/her discretion, has authority to call an informal lunch/dinner meeting preceding the regular meeting.

**Special Meetings (830.0200.79)**

Special meetings of the Board shall be called by the Chairperson only upon a resolution when deemed necessary. Special meetings shall be held pursuant to advanced agenda and advanced public notice in the same manner as regular meetings.

**Emergency Meetings (830.0300.79)**

Emergency meetings of the Board shall be used only when, due to the emergency nature of the matter, time does not permit reasonable advance public notice of the meeting. Emergency meetings may be called by the Chairperson with the consent, either written or oral, of a simple majority of the Board. The nature of the emergency shall be stated in the minutes and any formal action taken in such meetings shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. If the emergency meeting is to be by electronic or telecommunication equipment, the notification to the news media shall designate the place of the meeting to be a location at which one or more members of the Board shall be participating in the emergency meeting via such electronic or telecommunication equipment.

**Open Sessions (830.0400.79)**

All meetings of the Board shall be conducted in open session except that the Board may meet in executive session to consider certain matters as provided by the laws of the State of Nebraska. All votes of the Board shall be made in open session.
Executive Session (830.0500.79)

For the protection of students, staff, and the general public, the Nebraska Legislature has determined that certain topics may be discussed in executive session. Any Board member who feels that the Board is not conforming to these topics as outlined in the law will so notify the other members before making a public accusation.

Absent questions of legality, the Board recognizes that the public good requires the maintenance of absolute secrecy regarding matters discussed in executive session. If any member of the Board cannot commit himself/herself to respect the integrity of any given executive session or portion thereof, he/she will absent himself/herself from such session.

Agenda Preparation and Distribution (830.0600.79)

A proposed agenda for each regular meeting of the Board shall be prepared by the President, may be amended and shall be approved by the Chairperson. A copy of the proposed agenda shall be mailed, by regular first class mail, to each member of the Board at his/her address as shown on the books and records of the Board no later than four days prior to the date upon which the Board is to convene.

Members of the Board may submit items to be placed on the agenda for any regular meetings of the Board. The item must be submitted in writing and communicated to the President and/or Chairperson prior to the finalization of the agenda and in compliance with the Nebraska law concerning public meetings.
Notice of Meeting (830.0700.10)

The Secretary of the Board shall cause the following notice to be published at least four days prior to the date upon which a regular or special meeting of the Board is to convene. Such notice shall be published in the Scottsbluff Star-Herald or other newspapers of general circulation within the 12 1/2 counties as the Chairperson may select. Such notice shall be published as follows:

The Western Community College Area Board of Governors will hold a regular meeting on ________________, at ________________ in the ________________________, located at ____________________________________. The Board of Governors will meet informally for lunch/dinner at ________________ at the __________________________. A current agenda is available for public inspection in the President's Office, and Board Secretary’s Office Western Nebraska Community College, Scottsbluff Campus.

By:____________________________

Chairperson

Notice of all regular, special, or called meetings, formal or informal, shall be in strict compliance with applicable Nebraska statutes.

List of News Media Requesting Notice of Meetings (830.0800.79)

The Secretary of the Board shall maintain a list of the news media that request notice of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at the meeting.

Conduct of Meetings (830.0900.86)

Meetings shall be conducted according to procedures delineated in Robert's Rules of Order, Revised, except to the extent that the procedure in question may conflict with Nebraska statutes or with these policies.

Consent Calendar Procedure (830.0925.98)

Whenever an item appears on the consent calendar, which item in the opinion of any Board member should be separately addressed, the following procedure shall be utilized:

1) The Board Chair shall request whether there is any item on the consent calendar which a board member wishes to have removed.
2) Any member shall have the right to have removed any item from the consent calendar.
3) After all items are extracted from the original consent calendar, the amended consent calendar shall be voted upon.
4) Immediately following the vote on the amended consent calendar, items extracted from the original consent calendar shall be separately considered.

Public Participation in Meetings (830.1000.79)

The Board recognizes the desirability of public involvement in the making of decisions concerning the College. To make such involvement as productive as possible, any group or individual wishing to bring a matter to the Board's attention will apply through the President's Office or through the Chairperson. It shall be the President's or Chairperson's responsibility to inform him/her, where appropriate, of individuals or units within the College with whom he/she should work to find a solution. If, after having taken all the recommended steps, he/she is not able to find satisfaction, he/she may request the President or Chairperson to place the topic of his/her concern on the agenda for the next Board meeting. Such requests will be automatically honored if made at least two weeks prior to a regularly scheduled Board meeting. At that time, the President and/or Chairperson will summarize the efforts that have been made and recommend a course of action for the Board's consideration. The individual initiating the request will be invited to address the Board for up to five minutes and to respond to questions from the Board.

This procedure will be followed in all cases where action by the Board is desired. In addition, the Board invites community members to make comments or reports on topics connected with the College's operation. Each speaker will be limited to a five-minute presentation unless extended by a majority vote of Board members present and voting.

The Chairperson shall, subject to being overruled by a majority vote of the Board members present and voting, have authority to refer the individual to the proper administrative officer.

Decorum at Meetings (830.1100.79)

Proper decorum will be expected of individuals addressing the Board during Board meetings. The Chairperson may terminate the speaker's privilege or address if, after being called to order, he/she persists in improper conduct. In order to clarify a speaker's point of view, the Board members and the President may ask questions or make comments in response to his/her remarks at any time.

Quorum (830.1200.79)

A majority of the members of the Board shall constitute a quorum, and no action shall be taken by less than a majority of the members present and voting.
Roll Call Voting (830.1300.79)
Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Board in open session. The record shall state how each member voted, abstained, or if the member was absent and not voting.
Roll call votes shall be recorded on a rotating basis in alphabetical order.
The vote of any member of the Board upon any matter may only be cast by such member while in personal attendance at a duly constituted meeting of the Board and not otherwise.

Minutes (830.1400.79)
The minutes of each regular meeting, special meeting, or emergency meeting shall be duly recorded, according to state law.
The typed minutes of each meeting will be considered, corrected, and approved at the next regular meeting of the Board. Such action may be taken at an intervening special meeting as the Board may determine.
The minutes shall be inspected and signed by the Chairperson and Secretary of the Board after correction and approval and shall be kept as a public record in the official files of the Board in the Secretary's office.

Distribution of Agenda and Minutes (830.1500.79)
Copies of all proposed Board agendas will be kept on file in the President's Office and shall be made available to the public. Copies of all proposed Board agendas shall be mailed to the various newspapers, radio and television stations including the wire services serving the Western Community College Area.

Policy Revision and Suspension (830.1600.79)
A simple majority vote of the full membership of the Board may revise, amend, add, or delete provisions within the Manual of Policies at any regular meeting, provided such proposed changes have been presented at a previous meeting at which a quorum was present, and provided a written copy of the proposed changes has been issued to each member of the Board.
The Board may temporarily suspend any portion of the policies and procedures (for any action) by two-thirds vote of the full membership.

CODE OF ETHICS (835.0000.79)
Code of Ethics for members of the Board:
1) To devote time, thought, and study to the duties and responsibilities of a community college board member so as to render effective and creditable service.
2) To work with fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that arises during vigorous debate of points of issue.
3) To base personal decision upon all available facts in each situation; to vote with honest conviction in every case, unswayed by partisan bias of any kind; therefore, to abide by and uphold the final majority decision of the Board.
4) To remember at all times that individual Board members have no legal authority outside the meetings of the Board, and shall conduct relationships with the community college staff, the local citizenry, and all media of community on the basis of this fact.
5) To resist every temptation and outside pressure to use the position as a community college board member to personally benefit the Board member or any other individual or agency apart from the total interest of the community college district.
6) To recognize that it is as important for the Board to understand and evaluate the educational program of the community college as it is to plan for the business of college operation.
7) To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the community college is to be administered, but that the administration of the educational program and the conduct of college business shall be left to the employed president of the community college and his/her professional and non-professional staff.
8) To welcome and encourage active cooperation by citizens, organizations, and the media of communication in the district with respect to establishing policy on current college operation and proposed future developments.
9) To support the state and national community college trustees associations.
10) Finally, to strive step by step toward ideal conditions for the most effective community college board service to the community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.

Source: Illinois Association of School Boards
No. 225 -- March 3, 1964

Employment by the College (835.0100.00)

In order for each member of the Board to retain the ability to exercise his/her free and independent judgment concerning questions and proposals before the Board, no member of the Board shall be an employee of the College, nor shall any member of a Board member’s immediate family be hired as a regular full-time employee of the College. Employee shall mean an employee as defined by §48-115 Nebraska R.R.S., 1943, for a member of the Board teaching a credit or non-credit course. This prohibition shall not restrict the ability of a member of the Board who is not the instructor of record from addressing a class or a group of students as a guest lecturer.
Acceptance of Gifts (835.0200.79)

No member of the Board shall accept gifts from any person, group, or entity for the purpose of desiring to do business with the College. All business-related gratuities are specifically prohibited except for advertising items of nominal value that are widely distributed.

Board Travel (835.0300.96)

In the exercise of Board members’ duties, it shall become appropriate and necessary for all Board members to travel to and from meetings, workshops, hearing, and conferences on occasion.

All travel, other than travel to and from the Board meetings, shall be pre-approved by the Board.

LEGAL COUNSEL (840.0000.79)

Retention of Legal Counsel (840.0100.79)

The Board may retain legal counsel to advise and represent the Board and/or the administration upon request on any and all legal matters pertaining to the administration, management, and operation of the College. In addition, the President and/or the Board, individually or as a body, may retain independent legal counsel to represent them in any litigation arising from the performance of their official duties on behalf of the College. Reasonable fees for such legal services, when rendered, shall be paid from College funds as authorized by the Board.

The Board will not retain legal counsel to advise and represent the Board and/or administration from any law firm of which any Board of Governor is a member, serves as a counsel, or with which a Board member is an associate.

EMPLOYMENT OF COLLEGE PRESIDENT (845.0000.00)

Selecting and Hiring the College President (845.0100.05)

The selection of the President is one of the most important functions of the Board of Governors, to be pursued with clearly defined procedures that will ensure the selection of a successful, capable, effective chief executive officer who contributes to the institution as a whole.

The hiring process must facilitate the selection of an individual who:

1) has demonstrated leadership qualities and possesses necessary knowledge and expertise;
2) has a demonstrated commitment to shared governance;
3) is sensitive to diversity within the District; and
4) is well prepared by training and temperament to respond effectively to educational
needs of the populations served.

The hiring process will reflect Board representation participation and input. The responsibility for screening a well-qualified president is shared cooperatively by the Board, administration, faculty, staff, and community. The Board shall have ultimate responsibility to appoint the President.

Announcement: The decision to hire a President shall be announced at a Regular Board meeting by the Board.

Special requests may be submitted for the recruitment process. Special requests may fall into several categories and require authorization by the Board. Some examples of special requests include, but are not limited to:

1) Contracting with a search consultant to assist and/or facilitate the process for a comprehensive search or specific parts of a search such as job profile development, recruitment, screening of applicants, the interview process, reference reports and assisting in the coordination of the hiring process;
2) Conducting appropriate searches; or
3) Requiring supplemental application materials beyond those specified in this policy;
4) The Board may actively participate in the recruiting process by recruiting candidates for these positions.

Development of Position Profile: The job description profile shall be developed by the Chief Human Resources Officer with appropriate input from the Board, the incumbent President, and/or College staff. The completed position profile will be forwarded by the Board for approval.

The profile shall include major duties of the position, minimum qualifications for the position, and desirable qualifications. The qualifications shall include the minimum qualifications for service as required by law and/or such other qualifications as required by the College. The desirable qualifications established for the position should be ones which clearly render the applicant better able to perform the job but ones which are not required for satisfactory performance. Desirable qualifications must be bona fide occupational qualifications that are specific and directly reflective of the screening criteria to be utilized in the selection process.

Screening and Interview Committee: The Screening and Interview Committee for the position of President shall be comprised of full the following:

1) three Board representatives, selected by the Board, of which one shall be appointed as Chairman of the Screening and Interview Committee (three total);
2) one representative, from the President’s Executive Team, selected by the President’s Executive Team (one total);
3) one representative, from the mid-level administrator group, selected by the
consolidated mid-level administrator group (one total).
4) one representative, from the faculty of each site, selected by the faculty from each college site (three total);
5) one representative, from the faculty at-large, selected by the consolidated faculty (one total);
6) one representative, from the support staff group, selected by the consolidated support staff group (one total);
7) one representative, from the consolidated student governments, selected by the consolidated student governments (one total);
8) five community representatives, one representative from each WCCA election district, selected by the Board (five total);
9) two community representatives, from the WCCA at-large district, selected by the Board (two total); and
10) one non-voting representative College Equal Opportunity Officer/Chief Human Resources Officer (one total).

The Chair for the Screening and Interview Committee for the position of President shall be appointed by the Board.

Screening and Interview Committee Responsibilities: The initial meeting of the Screening and Interview Committee shall be convened by the chair or a person designated to convene the first meeting. The decision-making process and the level of agreement required to act, particularly with respect to the selection of final candidates shall be by majority vote although the committee should always work first for consensus without objection. Consensus means two-thirds of the group supports, agrees to, or can live with, a particular decision because it was reached fairly and openly. Majority vote means fifty (50) percent plus one (1).

The Screening and Interview Committee shall evaluate candidates against the advertised job announcement. Committee tasks include the following:

1) paper screening using established rating criteria;
2) developing interview questions and selection of interview rating sheet; and
3) developing any additional evaluative requirements for prospective applicants.

All committee tasks specified above shall be approved by the Chief Human Resources Officer or designee prior to consideration of applicant materials by the committee.

All committee members are required to participate in and agree to all aspects of the process, including, but not limited to, the following:

1) maintaining confidentiality and upholding the principles of ethical hiring practices;
2) training in the policies and procedures governing the hiring process;
3) developing the rating criteria;
4) developing protocol for performance tests;
5) evaluating and rating of candidates;
6) interviewing candidates; and
7) selecting final candidates.

By agreeing to serve, committee members are making an oral contract to maintain strict confidentiality throughout the entire hiring process. A committee member who fails to participate or compromises any aspect of the process may, at the discretion of the Committee Chair in consultation with the Chief Human Resources Officer and the Board Chairperson be removed from the committee.

Screening and Interview Committee Chair Responsibilities: The Screening and Interview Committee Chair or designee shall be responsible for the following:

1) compliance with College policies and procedures in conjunction with the hiring process
2) developing and obtaining committee meeting schedules;
3) convening and conducting committee meetings;
4) accommodating, where possible, the special and unique needs and time constraints of community and student members in the planning of committee meetings;
5) establishing time lines for screening, interviewing and coordination of candidate interviews;
6) communicating with applicants, as needed;
7) maintaining the committee records; and
8) other duties as determined by the Assistant to the President for Human Resources.

The Chair may be removed for nonperformance of duties specified in this section by mutual agreement of the Chairperson for the Board and a majority of committee members.

Equal Opportunity Responsibilities: The Screening and Interview Committee Affirmative Action Representative shall ensure that no candidate is discriminated against or given preference on the basis of age, ancestry, color, disability, gender, marital status, national origin, religion, or veteran status.

Additionally, the Equal Opportunity Officer or designee shall review the composition of the Screening and Interview Committee to ensure that the committee composition is representative. Such review and any requirement to modify or reconstitute the committee shall take into account the availability of appropriate representatives.

Screening for Minimum Qualifications: The Chief Human Resources Officer or designee will examine the application materials of each candidate for completeness and compliance with the minimum qualifications as set forth in the job description.

Screening for Desirable Qualifications: The Board may choose to utilize the services of a search consultant to assist the Screening and Interview Committee by partially screening down the
applicant pool of the most qualified candidates. The Screening and Interview Committee Chair and at least one representative of the committee shall review the recommendations of the Search Consultant and be authorized to restore any candidate to the pool to be reviewed by the Screening and Interview Committee.

After completion of the initial paper screening, the candidates remaining in the applicant pool shall be independently rated by each member of the Screening and Interview Committee. The committee will then meet to discuss the ratings and evaluate the merits of the candidates to determine if there is an adequate pool of qualified candidates to continue the selection process. If the pool is deemed adequate by consensus of the committee, the committee shall proceed with the selection of candidates for interview. If the pool is deemed inadequate by consensus of the committee, the Board will decide on the next action to be taken.

Interview and Performance Tests: Once the candidates to be interviewed have been identified, the Committee Chair or designee shall establish an interview schedule and arrange with the Assistant to the President for Human Resources for notification of each candidate to be interviewed. Each candidate will receive a confirmation letter with details on interview procedures and a package of appropriate College documents and materials. Those candidates not selected for an interview will be notified by the Chief Human Resources Officer.

The circumstances of each interview and performance test, if conducted, shall be the same for each candidate. During and/or at the conclusion of each interview and performance test, each committee member shall independently complete the appropriate rating sheet and assign the candidate an overall rating. Committee members shall avoid any discussion of ratings, rankings, or recommendations of the candidates until all interviews and performance tests have been completed, independent ratings have been completed by each committee member; and each committee member has independently determined the candidates he/she would recommend for final consideration.

Selection of Final Candidates: The Committee Chair or designee shall summarize the recommendations and lead discussion that shall focus on the strengths and weaknesses of the candidates. After discussion, the committee shall make a determination of the finalists.

The Chief Human Resources Officer or designee shall conduct reference checks of each of the candidates recommended which shall include investigation of professional experience and personal qualities relevant to performance in the position. Preliminary reference checks may be conducted on all candidates prior to the scheduled interviews.

The committee shall submit a list of candidates as appropriate to the Board for final
consideration. Typically, three to five unranked candidates shall be submitted. Board action may include any of the following:

1) interview just the candidates forwarded by the Screening and Interview Committee;
2) select additional candidates for further consideration from the list of candidates interviewed by the committee;
3) request that the committee interview additional candidates not interviewed in the first round; or
4) re-open the search.

Final Interview: The Board shall review the recommendations of the Screening and Interview Committee as well as the qualifications and comprehensive reference checks of the finalists. The Board shall interview candidates.

At any stage in the process of selecting a finalist, the Board may require the finalist(s) to undergo an assessment of specific skills and competencies administered by an outside agency or consulting firm.

Site Visits: Site visits may be conducted on Presidential finalists. The Board shall determine the composition of the visiting team. The team may include one or more members of the Screening and Interview Committee and Board representatives. The team will report to the Board.

The Board Chairperson will review the reports of site visitations and make a recommendation to the Board. If the Board rejects the recommendations, other candidates may be considered or the search reopened.

Upon authorization/ratification of the Board, the Chairperson or his/her designee shall notify and make an offer to the candidate. The Board Chairperson will confirm the candidate’s acceptance or declination of the position at the next Regular Board meeting.

Annual Review of College President’s Performance (845.0200.01)

The Board shall review and assess the performance of the President annually. The Board shall between July 1st and July 31st of each year provide the President with specific performance criteria and outline proposed achievements, which shall include the following areas: academic leadership, general management and planning, fiscal management and budgeting, fund-raising, internal relationships, external relationships, decision-making, and problem-solving. The President shall, commencing on April 1st and ending on April 30th of each year, complete and deliver to the Board the “Chief Executive’s Annual Management Review Statement” setting forth in retrospective and prospective the goals, performance, and proposed achievement identified by the Board. The Board shall, subsequent to receiving this information, conduct the annual review and assessment in
closed session at any regular or special meeting. The review shall be conducted and the assessment shall be communicated to the President no later than the last day of May of each year. The Chief Human Resources Officer shall facilitate the evaluation process by scheduling, analyzing, and reporting necessary information to the Board of Governors.

Upon such review and assessment of the performance of the President, the Board may increase the annual contract salary and fringe benefits for the next succeeding fiscal year and may extend the term of employment beyond that which may be in effect at the time. All extensions to the terms of employment shall coincide with the fiscal year of the College. In the event that any such review and assessment by the Board shall result in a decision by the Board to the effect that the term of employment of the President should be allowed to expire, without an extension by the Board, said decision shall be communicated to the President immediately and not later than the last day of June of the related evaluation year.
APPENDIX

DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINT (Appendix: A-1-12)

Operating Procedure

Illegal discrimination, harassment and retaliation are prohibited. As such, Western Nebraska Community College has established both formal and informal procedures to report complaints alleging discrimination, harassment, and retaliation on the basis of race, color, national origin, disability, sex, and age.

Prompt Reporting:

Discrimination, harassment or retaliation complaints are best resolved if addressed early. It may be difficult to substantiate the allegations made in a complaint brought after significant time has passed. The time lines set forth in this procedure are implemented in order to ensure that allegations are investigated and concluded in a timely fashion so that any ongoing conduct can be immediately halted and immediate discipline taken if warranted. Complaints under this procedure shall be made within thirty (30) days of the time the alleged conduct took place unless good cause is shown for the delay. The person alleged to have engaged in unlawful harassment, discrimination or retaliation shall be considered the "respondent" throughout this procedure. The person to whom the alleged unlawful harassment, discrimination or retaliation is directed shall be considered the "complainant" throughout this procedure.

Duty to Report:

If the complainant believes that he/she has been subjected to illegal discrimination, harassment or retaliation, it shall be the duty of that complainant to report such conduct as provided herein. All other persons with direct knowledge of such conduct are encouraged to report knowledge of any illegal conduct involving discrimination, harassment or retaliation. The procedure for reporting is described below.

Reporting Procedure:

The complainant who feels that he/she has been subjected to illegal discrimination, harassment or retaliation should feel free to inform the respondent, either through verbal or written communication, that the behavior is unwelcome and should cease. If the complainant does not feel comfortable in addressing this issue directly with the respondent or, if discussions do not produce a result acceptable to the complainant, then the complainant should make a complaint as provided by this procedure.
A witness who directly observes illegal discrimination, harassment or retaliation may address it directly with the respondent through verbal or written communication that the behavior is inappropriate and should cease. If the witness does not feel comfortable in addressing this issue directly with the respondent, he/she may file a complaint as provided by this procedure. If the witness files the original complaint under this procedure, this person shall not be considered the complainant for purposes of this procedure.

Any complainant, person with direct knowledge of prohibited conduct, or witness may file a written complaint under this procedure. The written complaint shall be submitted to the Vice-President of Human Resources (College’s Institutional Civil Rights Officer—name, title, address and telephone number of this officer will be in all appropriate student and employment publications). In instances where Title IX compliance may be involved, the College may include/assign the institutional Title IX Officer as an investigator or reviewer. When a written complaint is submitted, it must include a specific description of the conduct complained of; identify the party or parties involved, and the date(s) and circumstances under which the alleged offensive or inappropriate conduct occurred. The complaint must also include an explanation of why the complainant or other reporting party believes that the alleged actions constitute discrimination, harassment or retaliation. The written complaint shall be dated and signed to acknowledge completeness and accuracy.

If a College supervisor receives an anonymous complaint from a student or employee either verbally or in writing, the College supervisor shall immediately send notice of the complaint to the Vice-President of Human Resources.

If the complaint is against the College President or a direct report to the President, the reporting party should make the report under this procedure directly to the Chair of the Board of Governors. If the complaint is against any member of the Board of Governors, the reporting party should make the report directly to the College President, the College’s legal counsel, or any other member of the Board who is not the subject of the complaint.

For purposes of this procedure, it is assumed that a report recipient is not a respondent. In the event a person designated by this procedure to receive a report is a respondent in the complaint, the report shall be directed to another appropriate official.

**Deadlines:**

Due dates under this procedure shall be calculated based upon calendar days. If the due date specified falls on a weekend or holiday, the next business day will be the due date for the action. Either party may request a reasonable extension of time for any of the deadlines set forth in this procedure, including the time for making an initial complaint. While the intent of this procedure is to provide for the prompt reporting and investigation of claims of unlawful conduct, these deadlines are not meant to penalize. Therefore, failure to comply with the deadlines set forth herein will not invalidate a complaint, investigation or discipline.
Retaliation:

The College’s commitment to eradication of any sort of illegal discriminatory or harassing conduct includes prohibiting actions taken in retaliation for complaining of violations of College policy. Retaliation includes taking any action which may have any adverse impact on the student’s academic success or the learning environment of the student if such action is taken because of the student’s filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid; or taking any action which may have any adverse impact on the employment status or the work environment of the employee, if such action is taken because of the employee’s filing of or participation in the review of a complaint, whether or not such complaint is determined to be valid. The complainant is assured that retaliation due to filing a complaint under this procedure is strictly prohibited by law and by college policy, and shall lead to discipline up to and including termination or expulsion. Any person believing that retaliation has taken or is taking place should immediately report the matter as provided herein.

It shall be considered a violation of College policy for any individual to knowingly file a false or malicious complaint of discrimination, harassment or retaliation. If the College believes that such a false or malicious complaint has been filed, the matter will be investigated under the Formal Procedure review process of this procedure.

Complaint Resolution Procedures:

Western Nebraska Community College has established both formal and informal procedures to resolve prohibited discrimination, harassment or retaliation complaints. Usually, complaints are most effectively addressed at the earliest possible stage. A student or employee who feels that he or she has been subjected to illegal discrimination, harassment or retaliation should feel free to inform the respondent, either through verbal or written communication, that the behavior is unwelcome and should cease. If the student or employee does not feel comfortable in addressing this issue directly with the respondent or, if discussions do not produce a result acceptable to the student or employee, then the student or employee shall file a written complaint in compliance with the Reporting Procedure section of this procedure.

After the complainant has filed his/her complaint in compliance with the Reporting Procedure section of this procedure, a designated officer will meet with the complainant to review the options for resolving this complaint. At this initial meeting, the complainant can request that either the Informal Procedure or Formal Procedure be followed. Based on this interview or at any other time while the Informal Procedure is being pursued, the officer or complainant may elect to move the complaint to the Formal Procedure if circumstances are determined to merit a more complete investigation.

Under either the Informal Procedure or Formal Procedure review process, all involved parties have a duty to cooperate with the review or investigation and they are not to knowingly impede, obstruct or delay the progress of the review. In particular, both the complainant and the respondent have the responsibility to provide all relevant information and facts to the matter under review.
**Informal Procedure:**

If the Informal Procedure is elected, the Vice President of Human Resources will meet with the complainant to review the complaint, will discuss the allegation(s) with the respondent, and identify solutions to the complaint. If both parties to the complaint agree to a solution(s), this solution(s) shall be written, signed and dated by both parties to acknowledge that they agree with the solution and agree to maintain the confidentiality of the matter to the extent possible. The Informal Procedure review shall be concluded within a period of thirty (30) days of receipt of the complaint. If a written resolution is reached during the Informal Procedure review, the complaint review process ends at this point.

Within sixty (60) days and again within six (6) months following completion of an Informal Procedure review, the designated officer shall follow up with the complainant and the respondent to determine the status of the resolution. The designated officer will report the results of these follow-up inquiries in writing to the Vice-President of Human Resources.

During the Informal Procedure review process, all parties involved in processing the complaint, including but not limited to the designated officer, shall each serve in a neutral role in the process and shall not act in an advocate role for the complainant or the respondent. The role of the designated officer will be to communicate the issues and identify potential solutions. Legal counsel may be consulted by the designated officer as appropriate. In the event a person designated by this procedure to receive or review a report is the respondent or otherwise involved in the matter, he/she shall be recused from this process and another appropriate official shall be appointed to fulfill that person’s role.

If the complainant does not agree with a solution reached during the Informal Procedure, the complainant shall, within ten (10) calendar days of the conclusion of the Informal Procedure review, request in writing that the complaint be investigated through the Formal Procedure.

**Formal Procedure:**

Under the Formal Procedure, the Vice-President of Human Resources should proceed under the following guidelines:

Upon receipt of a complaint, the Vice-President of Human Resources, or a designee, shall review the allegations provided in the complaint and may consult with legal counsel to determine the appropriate action required. If it is determined that the complaint has sufficient probable cause to be investigated under the College’s Discrimination, Harassment and Retaliation Prohibited Policy and Procedure, the Vice-President of Human Resources shall appoint an investigator to investigate the complaint. The appointed investigator may be a College employee, or a third party retained by the College to conduct the assigned investigation. Where appropriate, two parties may be appointed to conduct such investigation.
The investigator shall promptly initiate an investigation of the complaint by discussing the complaint with the complainant and by interviewing any witnesses with relevant information, including but not limited to parties participating in or observing the conduct. The respondent shall be given a copy of the complaint and shall be given the opportunity to respond in writing to the allegations within seven (7) days of notification of the complaint. All parties in the investigation are to be advised that information surrounding the complaint is to be kept confidential. Witnesses and the respondent are to be advised that retaliation against a complainant is strictly prohibited and may lead to discipline up to and including termination or expulsion. Additionally, the respondent shall refrain from contacting potential witnesses until the investigation is complete.

The investigator shall summarize the findings in a report to the Vice-President of Human Resources within sixty (60) days from receipt of the complaint or from the closure of the Informal Procedure review, whichever is later. When is it not reasonably possible to complete the investigation within that time, the investigation period may be extended by up to an additional sixty (60) days upon approval of the Vice-President of Human Resources. If the extension is granted, the parties to the complaint will be so notified.

The Vice-President of Human Resources shall review the investigators report and shall, if warranted, take or recommend appropriate action. Not every complaint will necessarily warrant corrective action or discipline. However, if the investigation reveals that discrimination, harassment or retaliation has occurred, the respondent will be subject to discipline up to and including termination or expulsion.

During the Formal Procedure review process, the investigator and all other parties involved in processing the complaint shall serve in a neutral role in the process and shall not act in an advocate role for the complainant or the respondent. The role of the investigator will be to thoroughly investigate the issues as stated in the written complaint and to determine findings based on this review. Legal counsel may be consulted by the investigator as appropriate. In the event a person designated by this procedure to receive or review a report is the respondent or otherwise involved in the matter, he/she shall be recused from this process and another appropriate official shall be appointed to fulfill that person’s role.

Within ten (10) days of receipt of the investigators report, the Vice-President of Human Resources shall notify the complainant and the respondent of the outcome of the investigation and provide them with a summary of the investigation report. The complainant and the respondent shall also be reminded that retaliation taken because of the filing of a complaint is prohibited and that any such retaliation should be reported immediately.

Should the complainant not be satisfied with the conclusions of the investigation then, within ten (10) days of the date of the notice of determination, he/she may request review of the determination. If the complaint was filed against an employee or student, other than the President, a direct report to the President, or a Board member, the request for review shall be submitted to the Office of the President. Upon receipt of the request for review, the President shall designate an officer of the College to review the investigator’s report and determine what, if any, appropriate action is required as a result of the findings of the investigation. The reviewer may review the
complaint, interview the complainant and the respondent, if necessary, and complete such other interviews as may be necessary to make a determination. The reviewer shall complete the review within fourteen (14) days. If additional time is needed to complete this review, the reviewing officer shall notify the complainant and the respondent that the review will be delayed, and indicate the reasons for the delay. The reviewer of the investigator’s report shall provide a report to the President with his/her findings. The President shall consider this report and shall inform the complainant of his/her findings and conclusions. The decision of the President will be final.

If the complaint was filed against the President, someone who reports directly to the President or a Board member, the request for review shall be submitted to the Chair of the Board of Governors. Upon receipt of the request for review, the Chairperson of the Board of Governors shall contact legal counsel and coordinate the appointment of an external third party who shall serve as an investigator to conduct a review pursuant to the Formal Procedure set forth herein. At the conclusion of this review, legal counsel shall provide the Board of Governors a report and an accompanying recommendation from the reviewer for the Board’s consideration. Following completion of the review of this report, the Board of Governors shall take any necessary and appropriate action. The action of the Board of Governors will be final.

Confidentiality:

A student or employee seeking general information or guidance about harassment may be concerned about whether the information they share will be confidential. While the College desires to create an environment in which individuals can discuss concerns and make complaints, legal obligations may require the College to take action once it is informed that illegal discrimination, harassment or retaliation may be occurring. Therefore, although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to as great an extent as is possible while still allowing for appropriate and necessary investigation of the matter to occur. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the College’s obligation to act upon the charge and the right of the respondent to be informed concerning the charge.

Policy Enforcement Training:

Western Nebraska Community College shall provide appropriate training for all staff selected to investigate a complaint under the Formal Procedure review process. The College shall determine the appropriate training required of these College employees and shall provide for periodic, required training and updates. An investigator selected from outside the College shall have demonstrated expertise in conducting such investigations.
RETRENCHMENT/REDUCTION-IN-FORCE (Appendix: A-1-79)

When the Board deems that financial exigency, no viability of programs, over-staffing, declining enrollment, or course discontinuance requires a reduction in the number of full-time instructors to be employed at the beginning of the next academic year, the Board may terminate an employee at the close of the academic year provided that the following provisions shall apply:

1) Prior to a reduction in the force of full-time instructors, it shall be the responsibility of the President to present to the Board competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction-in-force. Any alleged change in circumstances must be specifically related to the full-time instructor or instructors to be reduced in force, and the Board, based upon evidence produced at the hearing required by Sections 79-1254 to 79-1262, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall be required to find that there are no other teaching vacancies on the staff for which the instructor(s) is qualified by professional training to perform.

2) The decision as to when retrenchment, or a reduction-in-force is necessary, is the decision of the President and the Board.

3) Whenever a reduction-in-force is necessary, an Advisory Committee shall be appointed to provide recommendations to the President. The Advisory Committee shall study the problem and provide recommendations to the President on the area affected by the proposed action, within time limits established by the President. It is understood that the Advisory Committee shall act as an advisory group. The following is a minimal list of criteria which the Advisory Committee shall utilize:
   a) Program viability shall be controlling consideration in all instances.
   b) Discipline function and/or the overall curricular offerings.
   c) Relationship of the discipline to the Role and Mission Statement of the College.
   d) Reduction shall be made in such a manner that the remaining members of the force possess the necessary qualifications to perform assigned duties needed for offering a viable program.
   e) The history of the number of students served.
   f) After considering the above factors and where actual layoffs must occur, length of service shall be the factor used to determine which employee will be terminated and which retained, provided that the senior employee is qualified to teach in the areas for which retained.
   g) Length of service shall be determined by the years of teaching experience in the College.

4) Any full-time instructor whose contract has been terminated under reduction-in-force procedures shall be considered to have been dismissed with honor, and shall upon request be provided a letter to that effect.

5) During a period of 24 months commencing at the end of the contract year, such instructor(s) shall have preferred rights to full-time re-employment and shall be recalled on
the basis of length of service to the College to any position for which he/she is qualified by endorsement or college preparation to teach.

6) The said instructor(s) shall, upon full-time re-employment, retain any benefits which have accrued to said instructor(s) prior to termination, but such leave of absence shall not be considered as a year of employment by the College. The instructor(s) shall be responsible for maintaining his/her current address and telephone number with the Human Resources Office. Offers of reappointment may be made by telephone, but shall be confirmed in writing and the instructor(s) shall have seven days to accept or reject the offer of reappointment unless extended by mutual consent. The instructor(s) shall send a letter accepting or rejecting the offer of reappointment to the President.

7) The instructor(s) under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his/her right to subsequent recall.

8) The College shall attempt to absorb reductions in a department, division, or program through normal attrition due to resignations, retirements, leaves of absences, and/or alternate assignment of personnel.

9) Notwithstanding Sections 1 to 8 above, if the reduction of an instructor(s) based upon these provisions would place the College in non-compliance of any federal or state law or regulation requiring affirmative action employment practices, the College may vary from these provisions as necessary to comply with such laws and regulations.

10) Reduction-in-Force -- The Board will comply with the current Nebraska statute(s) on Reduction-In-Force.

FACULTY GRIEVANCE PROCEDURES (Appendix: A-2-81)

PREFACE

A school's policy on grievances is essential to the satisfactory solution of personnel problems. The grievance procedure provides a day-to-day test of the adequacy of performance in implementing policies, rules, and regulations. Grievances are filed to clarify issues in disputes stemming from differences of interpretation involving administrative directive, board policy, or negotiated contracts. Grievances are to be used, if necessary, when it is a policy concern in which the grievance is filed against a superior. Problems with peers will be handled through other channels involving the Ethics Committee and/or perhaps the Nebraska Professional Practices Commission. Nothing contained in these guidelines should be construed as limiting the right of any person with a grievance to discuss the matter informally with an appropriate member of the administrative staff, or the local professional association, or to proceed independently.

I. Definitions of Terms

1) Grievance: A claim by a faculty member or group of faculty members that conditions exist which adversely affect terms and conditions of employment or claim that there has
been a violation, misinterpretation, or misapplication of policy, regulations or contract language. Generally, grievances can be separated into four categories:

a. violation of policy - this grievance alleges that an existing policy has been violated because an administrator overlooked it or failed to apply it.
b. disagreement over the meaning or application of policy - in this kind of grievance the policy is not being challenged but rather the definition of words and their application. The grievant is alleging that the policy has been misapplied.
c. dispute over facts - in this category there is no dispute over the meaning of a policy, but rather what the facts are; e.g., the administrator claims the grievant has used all of his/her sick leave; the grievant's records show that he/she has three days left. Another example might be a grievance involving a complaint in a faculty member's personnel file. The administrator has accepted a student complaint at face value. The purpose of such a grievance would be to refute the facts in the complaint and get the complaint removed.
d. disagreement as to equity of administrative actions or board policy - this is a difficult grievance to process since it requires subjective judgments on the part of those involved. The purpose here is to show that an administrative directive or action has denied a faculty member equitable treatment.

2) Grievant: Faculty member or group of faculty members making the claim as provided in Section I. 1) above.
3) Faculty Member: Any full-time member of the instructional staff of the College.
4) PRR&R Committee: Professional Rights, Responsibilities, and Relations Committee of the Faculty Association.
5) Party In Interest: Person or persons making the claim, and any person who might be required to take action, or against whom action might be taken, in order to resolve the claim.
6) Time Limits/Days: All time limits or days herein shall consist of College working days. The numbers of days indicated at each level should be considered maximum, and every effort shall be made at all levels to expedite the process. Failure of any grievant to comply with the time limits contained herein shall constitute a waiver of right to appeal to the next step. Failure of the Board or its representatives to comply with the time limits at any level shall permit the grievant to appeal the grievance to the next level.
7) Grievance Meetings or Hearings: All meetings and hearings under this procedure up to and including Level III shall be conducted in private and shall include only the administration's representatives, parties against whom action might be taken, the grievant, and his/her designated representatives. All parties shall have the right to record the proceedings of any hearing or meeting at all formal levels of the grievance procedure.

II. Purpose: The Board purpose in having a grievance procedure for the College system is:

1) Unobstructed communication with respect to alleged grievances without fear of reprisal.
2) Reduction of the potential areas of conflict among staff members and administrators and members of the Board.
3) Two-way communication through recognized channels among administrators, staff members, local professional association, and the Board.
4) Development of improved morale and effectiveness of staff members.
5) Encouragement of faculty expression regarding conditions that affect them.
III. Procedures

1) Level I (Informal)
   a. If a faculty member feels that he/she has a grievance, he/she must first discuss the matter with his/her administrator to whom he/she is directly responsible in an effort to resolve the problem.
   b. The aggrieved person may have two local representatives from the PRR&R Committee to assist him/her in efforts to resolve the problem informally with the department head or appropriate administrators.

2) Level II (Formal - Grievance forms available in Human Resources Office)

   STEP ONE
   a. If an aggrieved person is not satisfied with the disposition of his/her problem, or if no decision has been rendered after three days through the informal procedure, he/she may submit his/her claim as a formal grievance, in writing, to his/her Division Chairperson or the appropriate administrator, retain a copy of the said grievance for himself/herself, and forward a copy to the PRR&R Committee and Chief Human Resources Officer.
   b. Within three days after receiving the written grievance, the Division Chairperson or appropriate administrator shall provide an opportunity for the aggrieved person to meet with the administrator for the purpose of reviewing the grievance, and the administrator shall give to the aggrieved person a written opinion within two days.

   STEP TWO
   a. If the aggrieved person is not satisfied with the disposition of his/her grievance at Step One, or if no decision has been rendered within three days after the presentation of the grievance in writing, he/she may file the written grievance with the PRR&R Committee within three days after the decision at Step One, or six days after the grievance was presented.
   b. Within three days after receiving the written grievance, the PRR&R Committee shall provide an opportunity for the aggrieved person to meet with the Committee for the purpose of reviewing the grievance, and the PRR&R Committee shall give to the aggrieved person a written opinion within two days. If the aggrieved person is not satisfied with the opinion of the local PRR&R Committee at this point, he/she may appeal his/her grievance to the State PRR&R Committee. It is appropriate that this appeal be made through the Faculty Association Executive Committee.

   STEP THREE
   a. Within three days after receiving the PRR&R Committee opinion, or within six days after the grievance was filed with the Committee, whichever is sooner, the aggrieved person may file a written appeal with the PRR&R Committee for a
hearing with the President. Within two days of its receipt, the Committee, through its Chairperson, shall submit such appeal to the President.

b. The President, or his/her authorized representative, shall act for the administration at Step Three of the grievance procedure. Within five days after receipt of the written appeal for a hearing by the President, the President shall meet with the aggrieved person and with representatives of the PRR&R Committee for the purpose of resolving the grievance. Each party in interest shall have the right to include in his/her representation such witnesses deemed necessary to develop the facts pertinent to the grievance. A full record (tape record recommended) of such hearing shall be kept by the President and made available to the parties involved upon written request. The President shall, within three days of the hearing, render his/her decision and reasons therefor, in writing, to the aggrieved person, with a copy to the PRR&R Committee.

STEP FOUR

a. If the aggrieved person is not satisfied with the disposition of his/her grievance at Step Three, or if no decision has been rendered within three days after he/she had first met with the President, he/she may file the grievance again with the PRR&R Committee within three days after a decision of the President, or five days after he/she first met with the President, whichever is sooner.

b. Within three days after receiving such further appeal, the PRR&R Committee, through its Chairperson, shall refer the grievance to the Board Chairperson.

c. The Board Chairperson shall schedule a hearing date that will allow ample time for the Board to act, but that will also allow for expedition of the grievance process. The Board Chairperson shall then notify all parties involved in writing of the date of the hearing. The Board, or its designated sub-committee thereof, shall conduct the hearing. Each party in interest shall have the right to include in his/her representation such witnesses deemed necessary to develop the facts pertinent to the grievance. A full record (tape record recommended) of such hearing shall be kept by the Secretary of the Board and made available to the parties involved upon written request. The Board will have five days from the date of the hearing to notify, in writing, the grievant and the PRR&R Committee of the decision.

3) Level III (Impasse Resolvement)

a. If the aggrieved person chooses not to accept the decision of the Board (Step Four), he/she may, within five days of receipt of notice of said decision, request that the PRR&R Committee challenge the Board's decision. Such challenge may be made only after it has been determined by the Committee that the grievance is meritorious and related to the interpretation, meaning, or application of any rules, regulations, or policies of the College. The challenge shall be filed with the Board within five days of appeal by aggrieved person. If, within ten days of the filing of the challenge, the Board's decision is not accepted by the Faculty Association, the Board and the Faculty Association shall be considered at impasse and arbitration procedures shall be initiated, as specified in Level III b).
b. Within ten days after such written notice of submission to arbitration, the Board and the Faculty Association will select an arbitrator in the following manner: The Board and the Faculty Association will first attempt to select an arbitrator by mutual agreement. The arbitrator shall be an experienced, impartial, and disinterested person of recognized competence in the field of personnel policies or management. If the Board and the Faculty Association are unable to agree on an arbitrator within ten days after receipt of notice, then an arbitrator will be selected by the Board selecting one person, the Faculty Association selecting one person, and those two people choosing the third person who will become the arbitrator. If the selection committee of the Board and the Faculty Association fail to reach agreement on an arbitrator within ten days, an arbitrator shall be sought from the American Arbitration Association.

c. Once an agreement of an arbitrator has been reached, the arbitrator's findings shall be forwarded to the Board within 15 days. The arbitrator's decision would be final and binding.

d. The cost of arbitration shall be shared equally by the Board and the Faculty Association.

IV. Rights of Faculty Members to Representatives:

Any party in interest may be represented at all stages of the grievance procedure by himself/herself or by a representative of his/her own choosing. When a faculty member is not represented by the Faculty Association, a designated representative of the Faculty Association shall have the right to be present and to state its views at all stages of the grievance procedure.

V. Other Considerations:

If, in the judgment of the PRR&R Committee, a grievance affects a group of faculty members, the PRR&R Committee may submit such grievance, in writing, to the President directly, and the processing of such grievance will commence at Step Two of Level II. Decisions rendered at Level II, Steps One, Two, Three, and Four, of the grievance procedure will be in writing, setting forth the decisions and the reasons therefore, and will be transmitted promptly to all parties in interest and to the Chairperson of the PRR&R Committee. If the written grievance is not filed within 30 days after the faculty member knew, or should have known, of the act or condition on which the grievance is based, then the grievance shall be waived. A faculty member may withdraw his/her grievance at any level of the procedure without fear of reprisal from any party, prejudice, or record. No reprisals of any kind shall be taken by the Board, or by any member of the administration, or by the Faculty Association or its individual members, against any party in interest, and the PRR&R representative, or any other participant in the grievance procedure by reason of such participation.

NON-REAPPOINTMENT PROCEDURES (Appendix: A-3-81)

LB422 (Approved by the Governor May 3, 1971, Introduced by Johnson, 15)

An ACT relating to schools: to provide procedures for termination or amendment of contracts; and to provide for construction.
Be it enacted by the people of the State of Nebraska,

Section 1. The contracts of the teaching staff employed by the governing board of any state technical community college, educational service unit, or any educational program administered by the State Department of Education, the Department of Public Institutions, or any political subdivisions of the State, shall require the sanction of a majority of the members of such governing board. Except as hereinafter provided, each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract. The secretary of the board shall notify each teacher in writing at least ninety days before the close of the contract period any conditions of unsatisfactory performance or a reduction in teaching staff that the board considers may be cause to either amend or terminate the contract for the ensuing year. Any teacher so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the board. Upon receipt of such a request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the teacher. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher shall be permitted to produce evidence related thereto. The board shall render the decision to amend or terminate a contract on the evidence produced at the hearing.

Section 2. This act shall be construed as providing a minimum standard and not as repealing any law of a governing authority that provides for additional contract rights pertaining to the same subject matter.

Section 3. Any contract of employment entered into between teaching staff and the College, which contract applies to the first two years of employment of such teaching staff shall provide that the first two years of employment of such teacher is a probationary period and such contract may be terminated by the Board during such probationary period without cause.

NON-FACULTY EMPLOYEE GRIEVANCE PROCEDURES (Appendix: B-1-98)

PREFACE

A school's policy on grievances is essential to the satisfactory solution of personnel problems. The grievance procedure provides a day-to-day test of the adequacy of performance in implementing policies, rules, and regulations. Grievances are filed to clarify issues in disputes stemming from differences of interpretation involving administrative directive, board policy, or practices. Grievances are to be used, if necessary, when it is a policy concern in which the grievance is filed against a superior. Problems with peers will not be handled through the grievance procedure. Nothing contained in these guidelines should be construed as limiting the right of any person with a grievance to discuss the matter informally with an appropriate member of the administrative staff or to proceed independently.

The grievance policy and procedure is available for use by all employees, without discriminatory regard for race, color, religion, ethnic origin, age, personal disability, marital status, veteran status or sex.
I. Definitions of Terms

1) Grievances shall be limited to the following circumstances:
   a) violation of policy - this grievance alleges that an existing policy has been violated because a supervisor overlooked it or failed to apply it.
   b) disagreement over the meaning or application of policy - in this kind of grievance the policy is not being challenged but rather the definition of words and their application. The grievant is alleging that the policy has been misapplied.
   c) disagreement as to equity of administrative actions or board policy as defined in the Civil Rights Act of 1964. The purpose here is to show that an administrative directive or action has denied an employee equitable treatment. This grievance shall include, but not be limited to, charges directed by an employee against the College and/or its authorized representatives alleging discrimination in its employment practices as they relate to matters concerning race, sex, color, ethnicity, religion, age, disability, or other civil rights as protected by state and federal statutes or regulations.
   d) alleged acts involving terminations of temporary employees and probationary staff shall be excluded from the grievance process; and with respect to matters including reappointment, evaluation, and promotion, the grievance shall be restricted to a claimed failure by the College to follow Board policy.

2) Grievant: Employee, or group of employees, making the claim as provided in Section I. 1) above.

3) Employee: All employees other than instructional staff, i.e., adjunct, part-time, or full-time. In general, this would refer to administrative/professional and support staff.

4) Personnel Relations Committee: To insure proper representation, the committee will be composed of:
   a) One member from support staff;
   b) One member from mid-management;
   c) One member from executive management; and
   d) The affirmative action officer (as a non-voting member) or his/her designee.

The Personnel Relations Committee will be designated by the President, or his/her designee, on a case-by-case basis so as to ensure that members of the Personnel Relations Committee have no predetermined interest in the grievance due to working relationships or connection to the actual grievance.

5) Party(s) In Interest: Person or persons making the claim, and any person who might be required to take action, or against whom action might be taken, in order to resolve the claim.

6) Time Limits/Days: All time limits or days herein shall consist of College working days. The number of days indicated at each level should be considered maximum, and every effort shall be made at all levels to expedite the process. Failure of any grievant to comply with the time limits contained herein shall constitute a waiver of right to appeal to the next step. Failure of the Board or its representatives to comply with the time limits at any level shall permit the grievant to appeal the grievance to the next level.

7) Grievance Meetings Or Hearings: All meetings and hearings under this procedure up to and including Level III shall be conducted in private and shall include only the administration's representatives, parties in interest, parties against whom action might be taken, the grievant, and his/her designated representatives.
8) Release Time: A grievant, witnesses, and employees involved as principals shall be granted time away from work as necessary, in order to participate in the grievance process.

9) Ombudsman: The Chief Human Resources Officer shall serve as the Ombudsman unless this individual is a party in interest, in which case the President will designate an appropriate Ombudsman.

II. Purpose: The Board's purpose in having a grievance procedure for the College system is:

1) Reduction of the potential areas of conflict among staff members and administrators and members of the Board.
2) Two-way communication through recognized channels among administrators, staff members, and the Board.
3) Development of improved morale and effectiveness of staff members.
4) Encouragement of employees' expression regarding conditions that affect them.

III. Procedures

1) Level I (Informal)
   a) If an employee feels that he/she has a grievance, he/she should first discuss the matter with his/her supervisor to whom he/she is directly responsible, or to the next level of authority (if the alleged grievance is with the immediate supervisor) in an effort to resolve the problem.
   b) If the employee is unable to resolve the problem as described in 1) above, the employee may seek assistance from the Ombudsman. The Ombudsman will work with the employee in an attempt to solve the problem at the lowest possible level.
   c) In the event resolution is not possible informally, the employee with assistance of the Ombudsman shall prepare a written grievance in accordance with College policy. The Ombudsman shall assist the grievant in presenting his/her grievance to the Personnel Relations Committee.

2) Level II (Formal) The Personnel Relations Committee shall review all formal grievances filed and shall return to the grievant those applications which are not grievances as defined in Section I 1). The grievant's opportunity to file a formal grievance would at this point be allowed or disallowed.

STEP ONE

   a) If an aggrieved person is not satisfied with the disposition of his/her problem, or if no decision has been rendered after three days through the informal procedure, he/she may submit his/her claim as a formal grievance, in writing to his/her appropriate manager/administrator (or his/her designated representative), retaining a copy of the said grievance for himself/herself, and the Chief Human Resources Officer. The grievant must file a formal complaint with the administrator, as described above, within 30 calendar days of the act that gave rise to the grievance.
   b) Within three days after receiving the written grievance, the manager/administrator shall render his/her decision in writing to the grievant.
c) If the aggrieved person is not satisfied with the disposition of his/her grievance in Step One a), or if no decision has been rendered within three days after the presentation of the grievance in writing, he/she may file a written grievance with the appropriate Vice-President, Dean, or Campus Director within three days after the decision rendered in Step One a). The so designated administrator shall give the aggrieved person a written opinion within two days.

STEP TWO

a) If the aggrieved person is not satisfied with the disposition of his/her grievance at Step One, or if no decision has been rendered within three days after the presentation of the grievance in writing, he/she may file the written grievance with the Personnel Relations Committee within three days after the decision at Step One, or six days after the grievance was presented.

b) Within three days after receiving the written grievance, the Personnel Relations Committee shall provide an opportunity for the aggrieved person to meet with the Personnel Relations Committee for the purpose of reviewing the grievance, and the Personnel Relations Committee shall give to the aggrieved person a written opinion within two days. If the aggrieved person is not satisfied with the opinion of the Personnel Relations Committee at this point, he/she may appeal his/her grievance to the President according to the provisions of Step Three a).

STEP THREE

a) Within three days after receiving the Personnel Relations Committee opinion, or within six days after the grievance was filed with the Personnel Relations Committee, whichever is sooner, the aggrieved person may file a written appeal with the Personnel Relations Committee for a hearing with the President. Within two days of its receipt, the Personnel Relations Committee, through its Chairperson, shall submit such appeal to the President.

b) The President, or his/her designee, shall act for the administration at Step Three of the grievance procedure. Within five days after receipt of the written appeal for a hearing by the President, the President shall meet with the aggrieved person and with his/her representative for the purpose of resolving the grievance. Each party in interest shall have the right to include in his/her representation such witnesses deemed necessary to develop the facts pertinent to the grievance. A full record (tape record recommended) of such hearing shall be kept by the President and made available to the parties in interest upon written request. The President shall, within three days of the hearing, render his/her decision and reasons therefore with a copy to the Chief Human Resources Officer.

3) Level III

a) If the aggrieved person is not satisfied with the disposition of his/her grievance at Step Three, or if no decision has been rendered within three days after he/she had first met with the President, he/she may file the grievance with the Board Chairperson within three days after a decision of the President, or five days after he/she first met with the President, whichever is sooner.
b) The Board Chairperson shall schedule a hearing date that will allow ample time for the Board to act, but that will also allow the expedition of the grievance process. The Secretary of the Board shall then notify all parties in interest in writing of the date of the hearing. The Board, or its designated subcommittee thereof, shall conduct the hearing. Each party in interest shall have the right to include in his/her representation such witnesses deemed necessary to develop the facts pertinent to the grievance. A full record (tape record recommended) of such hearing shall be kept by the Secretary of the Board and made available to the parties in interest upon written request. The Board will have five days from the date of hearing to notify, in writing, the grievant and the Chief Human Resources Officer of its decision.

c) Grievance Closure - the Board's decision shall be final and binding.

IV. Rights of Employees to Representatives:

Any party in interest may be represented at all stages of the grievance procedure by himself/herself or by a representative of his/her own choosing.

V. Other Considerations:

If, by the nature of the position of the grievant, the grievant's supervisor is Vice-President, Dean, Campus Director, Associate Dean, President, or the Board, then the formal processing of such grievance will commence at the appropriate step that corresponds to the position of the grievant.

Decisions rendered at Level II, Steps One, Two and Three of the grievance procedure will be in writing, setting forth the decisions and the reasons therefore, and will be transmitted promptly to all parties in interest and to the Chief Human Resources Officer. If the written grievance is not filed within 30 days after the employee member knew, or should have known, of the act or condition on which the grievance is based, then the grievance shall be waived. An employee may withdraw his/her grievance at any level of the procedure without fear of reprisal from any party, prejudice, or record. No reprisals of any kind shall be taken by the Board, or by any member of the administration, against any party in interest, or any other participant in the grievance procedure by reason of such participation.

SABBATICAL LEAVE PROCEDURES (Appendix: C-2-81)

ELIGIBILITY

1) A member of the faculty or an administrator/professional shall become eligible for sabbatical leave after continuous full-time service of a minimum of six regular contract years, excluding summers, or after continuous full-time service of a minimum of six contract years, whichever applies, to be determined by the conditions of his/her annual contract.

2) A recipient of sabbatical leave shall become eligible for a subsequent sabbatical leave only after fulfilling the requirements of Section 1) above again, with time of service being calculated from the date of his/her returning to duties at the College.

3) The duration of a sabbatical leave granted to an individual shall not be used to determine eligibility for application for a subsequent leave.
APPLICATION

1) Applications requesting sabbatical leave shall be submitted on the official form (available in the President's Office) by December 19 of the year preceding the contract year in which leave is being requested.

2) The completed application form shall be submitted to the Sabbatical Leave Committee Chairperson through the President.

3) The Sabbatical Leave Committee will inform the applicant of the status of his/her application no later than February 1, and if approved, the sabbatical leave request shall be subject to approval of the Board at the February meeting.

4) Application may be made for one or two semesters, but shall in no case exceed the length of time of the employment contract of the applicant. Under special circumstances determined by the needs of the applicant and the interest of the College, a sabbatical leave of two or more non-consecutive semesters may be granted insofar as the total period of time of leave does not exceed the period of time of the applicant's regular contract.

5) Failure of the Board to act favorably on a request for sabbatical leave shall nullify the application for that leave. A new application shall be submitted for a subsequent request.

CRITERIA FOR EVALUATION OF SABBATICAL LEAVE REQUEST

1) How will the individual be more useful to the College?
2) How will leave improve the individual's ability?
3) Applicant's past contributions to the College?
4) Has the applicant presented a scholarly application?
5) Complete program of study and activities proposed -- past, present and future?

REQUIREMENTS OF RECIPIENTS OF SABBATICAL LEAVE

1) A recipient of a sabbatical leave shall be required, upon returning to the College, to submit to the President duplicate copies of a written report of professional quality, outlining his/her experiences and achievements in keeping with the purpose for which the leave was granted.

2) As a recipient of sabbatical leave, the faculty member or administrator/professional agrees that he/she will remain in the employment of the College for at least one year following his/her return from sabbatical leave, unless prevented by ill health or other conditions over which he/she has no control. In the event he/she fails to return to service for the College the next contract year at the expiration of such leave and under services for a period of at least one contract year thereafter, he/she shall reimburse the College for salary received. Failure to return for the next contract year shall immediately make all sums due without further demand or notice.

3) Sabbatical leave may be terminated prior to the expiration date only upon mutual agreement between the recipient and the Board.

4) During the sabbatical leave period, compensation shall be paid at a rate equal to one-half of the previous year's salary of the faculty member or administrator/professional.
Compensation shall be payable according to payroll procedures for the College. A recipient of a sabbatical leave shall receive all fringe benefits as specified by the Manual of Policies, such as F.I.C.A., retirement, and group health insurance, except the accrual of vacation, personal, or sick leave days during the time of the sabbatical leave.

**SABBATICAL LEAVE COMMITTEE**

1) The Sabbatical Leave Committee shall consist of five members: the chief educational services officer, two faculty members, one member of the Board, and the President.

2) The Committee reserves the right to reject any or all applicants that do not meet the proper qualifications.
PROCEDURES FOR DEALING WITH COMMUNICABLE DISEASES
(Appendix D-1-90)

GENERAL PROCEDURES

Whenever an employee or student of the College becomes aware of the existence of communicable disease concerning any employee or student at the College, said employee or student shall treat this information on a confidential basis and shall advise the Chief Student Services Officer, the Chief Human Resources Officer or the President of said circumstances. Employees or students shall not divulge information to co-workers, fellow students, or any third person other than appropriate College officials.

The Chief Student Services Officer, the Chief Human Resources Officer, or the President shall take appropriate steps, on a case by case basis, to ensure:

1. the confidentiality of individual with communicable disease;
2. the confidentiality of individual advising College officials of said circumstances;
3. the individual with communicable disease is referred to appropriate health care provider;
4. the health and safety of all employees and students at the College is protected.

All employees and students shall also be responsible for following procedures in this document concerning contact of body fluids.

I. Procedures for Waste Disposals

Sterilization and disinfection procedures currently recommended for use in health care facilities are adequate to sterilize or disinfect instruments, devices, or other items contaminated with the blood or other body fluids from individuals infected with HTLV-III/LAV. Instruments or other non-disposable items that enter normally sterile tissue or the vascular system or through which blood flows should be sterilized before reuse. Equipment coming into contact with body fluids should be decontaminated after use rather than just rinsed with water. Decontamination can be accomplished by machine or by hand cleaning by trained personnel wearing appropriate protective attire and using appropriate chemical germicides. Instruments or other non-disposable items that touch intact mucous membranes should receive high-level disinfection.

Several liquid chemical germicides commonly used in laboratories and health-care facilities have been shown to kill HTLV-III/LAV at concentrations much lower than are used in practice. When decontaminating instruments or medical devices, chemical germicides that are registered with and approved by the U.S. Environmental Protection Agency (EPA) as "sterilants" can be used either for sterilization or for high-level disinfection depending on contact time; germicides that are approved for use as "hospital disinfectants" and are mycobactericidal when used at appropriate dilutions can also be used for high-level disinfection of devices and instruments. Germicides that are mycobactericidal are preferred because mycobacteria represent one of the most resistant groups of microorganisms; therefore, germicides that are effective against mycobacteria are also effective against other bacterial and viral pathogens. When chemical germicides are used, instruments or
devices to be sterilized or disinfected should be thoroughly cleaned before exposure to the germicide, and the manufacturer's instruments for use of the germicide should be followed.

Laundry and dishwashing cycles commonly used in hospitals are adequate to decontaminate linens, dishes, glassware, and utensils. When cleaning environmental surfaces, housekeeping procedures commonly used in hospitals are adequate; surfaces exposed to blood and body fluids should be cleaned with a detergent followed by decontamination using an EPA-approved hospital disinfectant that is mycobactericidal. Individuals cleaning up such spills should wear disposable gloves. Information on specific label claims of commercial germicides can be obtained by writing to the Disinfectants Branch, Office of Pesticides, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

In addition to hospital disinfectants, a freshly prepared solution of sodium hypochlorite (household bleach) is an inexpensive and very effective germicide. Concentrations ranging from 5,000 ppm (a 1:10 dilution of household bleach) to 500 ppm (a 1:100 dilution) sodium hypochlorite are effective, depending on the amount of organic material (e.g., blood, mucus, etc.) present on the surface to be cleaned and disinfected.

Sharp items should be considered as potentially infective and should be handled and disposed of with extraordinary care to prevent accidental injuries. Other potentially infective waste should be contained and transported in clearly identified impervious plastic bags. If the outside of the bag is contaminated with blood or other body fluids, a second outer bag should be used. Recommended practices for disposal of infective waste are adequate for disposal of waste contaminated by HTLV-III/LAV. Blood and other body fluids may be carefully poured down a drain connected to a sanitary sewer.

II. Procedures for Personal Service Workers (PSWs)

PSWs are defined as individuals whose occupations involve close personal contact with clients (e.g., hairdressers, barbers, pedicurists, massage therapists). PSWs whose services require needles or other instruments that penetrate the skin should follow precautions indicated for HCWs. Although there is no evidence of transmission of HTLV-III/LAV trauma to one of the individuals that would provide a portal of entry for the virus is both: 1) trauma to one of the individuals that would provide a portal of entry for the virus, and 2) access of blood or serous fluid from one infected person to the open tissue of the other, as could occur if either sustained a cut. A risk of transmission from client to client exists when instruments contaminated with blood are not sterilized or disinfected between clients. However, HBV transmission has been documented only rarely in acupuncture, ear piercing, and tattoo establishments and never in other personal-service settings, indicating that any risk for HTLV-III/LAV transmission in personal-service settings must be extremely low.

All PSWs should be educated about transmission of blood-borne infections, including HTLV-III/LAV and HBV. Such education should emphasize principles of good hygiene, antisepsis,
and disinfection. This education can be accomplished by national or state professional organizations, with assistance from state and local health departments, using lectures at meetings or self-instructional materials. Licensure requirements should include evidence of such education. Instruments that are intended to penetrate the skin should be used once and disposed of or be thoroughly cleaned and sterilized after each use using procedures recommended for use in health-care institutions. Instruments not intended to penetrate the skin but which may become contaminated with blood (e.g. razors), should be used for only one client and be disposed of or thoroughly cleaned and disinfected after use using procedures recommended for use in health-care institutions. Any PSW with exudative lesions or weeping dermatitis, regardless of HTLV-III/LAV infection status, should refrain from direct contact with clients until the condition resolves. PSWs known to be infected with HTLV-III/LAV need not be restricted from work unless they have evidence of other infections or illnesses for which any PSW should also be restricted.

Routine serologic testing of PSWs for antibody to HTLV-III-LAV is not recommended to prevent transmission from PSWs to clients.

III. Procedures for Food Service Workers (FSWs)

FSWs are defined as individuals whose occupations involve the preparation or serving of food or beverages (e.g., cooks, caterers, servers, waiters, and waitresses). All epidemiologic and laboratory evidence indicates that blood-borne and sexually transmitted infections are not transmitted during the preparation or service of food or beverages, and no instances of HBV or HTLV-III/LAV transmissions have been documented in this setting.

All FSWs should follow recommended standards and practices of good personal hygiene and food sanitation. All FSWs should exercise care to avoid injury to hands when preparing food. Should such an injury occur, both aesthetic and sanitary considerations would dictate that food contaminated with blood be discarded. FSWs known to be infected with HTLV-III/LAV need not be restricted from work unless they have evidence of other infection or illness for which any FSW should also be restricted.

Routine serologic testing of FSWs for antibody to HTLV-III/LAV is not recommended to prevent disease transmission from FSWs to consumers.

IV. Procedures for Other Workers Sharing the Same Work Environment

No known risk of transmission to co-workers, clients, or consumers exists from HTLV-III/LAV-infected workers in other settings (e.g., offices, schools, factories, construction sites). This infection is spread by sexual contact with infected persons, injection of contaminated blood or blood products, and by perinatal transmission. Workers known to be infected with HTLV-III/LAV should not be restricted from work solely based on this finding. Moreover, they should not be restricted from telephones, office equipment, toilets, showers, eating facilities and water fountains. Equipment contaminated with blood or other body fluids of any worker, regardless
of HTLV-III/LAV infection status, should be cleaned with soap and water or a detergent. A disinfectant solution or a fresh solution of sodium hypochlorite (household bleach, see above), should be used to wipe the area after cleaning.
SECTION A - GENERAL

This policy and its' College procedures, 49 CFR Part 40 Regulations of the U. S. Department Of Transportation Procedures For Transportation Workplace Drug And Alcohol Testing Programs (revised August 25, 2008) and Urine Specimen Collection Guidelines, (revised August 29, 2009) Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, are integral parts of this Policy and apply to all of our employees whose job function requires possession of a valid and current Commercial Drivers License (CDL). Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping and all other procedural requirements shall adhere to Part 40. Part 40 is included in its entirety as Appendix A. The Urine Specimen Collection Guidelines are included in its entirety as Appendix B.

Western Nebraska Community College shall test, in accordance with Federal regulations, employees required to have a Commercial Driver’s License (CDL) for the use of controlled substances that violate law or Federal regulation and the misuse of alcohol.

PURPOSE 382.101

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

APPLICABILITY 382.103

(a) This policy applies to every person of Western Nebraska Community College who operates a commercial motor vehicle in commerce in any State, and is subject to:
(1) The commercial driver's license requirements of part 383;
(2) All Drivers Operating Commercial Motor Vehicles for College; or
(3) The commercial driver's license requirements of the Canadian National Safety Code.

(b) An employer who employs himself/herself as a driver must comply with both the requirements in this policy that apply to employers and the requirements in this policy that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.

The COVERED EMPLOYEE CERTIFICATE OF RECEIPT contains the name, address, and phone number of the responsible individual(s). The CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY complies with requirements of the Department of Transportation regulations as set forth in 49 CFR Parts 382 and 49 CFR Part 40. The DER shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. Western Nebraska Community College shall ensure that all covered employees are aware of the provisions and coverage of Western Nebraska Community College’s CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY and that all employees are notified prior to testing.

Western Nebraska Community College’s Independent Authority

This CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY sets forth the requirements of 49 CFR Parts 382 and 40. Those areas of the policy that appear in italic print reflect Western Nebraska Community College’s independent authority to require additional provisions with regard to drug and alcohol testing procedures. To the extent College state specific non-DOT College Authority Policy supplements, and does not conflict with applicable DOT Regulations, and current agreements, it is to be followed. In the event that DOT Regulations are applicable to the driver’s or applicant’s particular situation or issue, the DOT Regulations pre-empt conflicting State Laws, College’s non-DOT Policies and all other agreements.

PERIOD OF WORKDAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE

Safety-Sensitive Functions as covered under 49 CFR Part 382: In accordance with 49 CFR 382 drivers who possess CDL licenses are subject to DOT regulated alcohol and drug testing at all times from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
(2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver is required to be in compliance with this policy during that period of the workday when they are on-duty performing safety-sensitive functions (See Definitions).

TESTING PROCEDURES 382.105

Western Nebraska Community College shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in 49 CFR part 40. The provisions of 49 CFR part 40 that address alcohol or controlled substances testing are made applicable to Western Nebraska Community College by 382.105.

DEFINITIONS 382.107

Words or phrases used in this policy are defined in Sections 386.2, 390.5 and 40.3 of Federal regulations, except as provided herein.

Actual knowledge for the purpose of Section B of this policy means actual knowledge by Western Nebraska Community College that a driver has used alcohol or controlled substances based on Western Nebraska Community College’s direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under 382.307.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol’s including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.
Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol. [Caution: Certain brands and types of cough medicines contain alcohol.]


Commerce means:

(1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and

(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in (1) of this definition.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(1) Has gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or

(2) Has a gross vehicle weight rating of 26,001 or more pounds (11,794 or more kilograms); or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR part 172, Subpart F.

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers’ drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of Federal regulations.

Controlled substances mean those substances identified in 40.85.
Designated employer representative (DER) is an individual identified by Western Nebraska Community College as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of College. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
2) Exclusions.
   i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
   ii) Tire disablement without other damage even if no spare tire is available.
   iii) Headlight or taillight damage.
   iv) Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, 653, and 654) in accordance with 49 CFR part 40.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed Commercial Motor Vehicle drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means an entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this Federal regulation. The term, as used in this policy, refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this policy and any applicable DOT agency regulations. Service agents are not employers for the purpose of Federal regulations.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part,
Refuse to submit (to an alcohol or controlled substances test) means that you as a driver:

(a) (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by C/TPA (see §40.61(a));
(2) Fail to remain at the testing site until the testing process is complete; Provided that an employee who leaves the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
(3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
(4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
(6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, Sec.40.197 (b));
(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
(9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
(11) Admit to the collector or MRO that you adulterated or substituted the specimen.
(b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
(c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. 40.191
Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at Western Nebraska Community College’s or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by Western Nebraska Community College;
2. All time inspecting equipment as required by 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 393.76);
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test) means:

1. In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
2. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

**PREEMPTION OF STATE AND LOCAL LAWS 382.109**

(a) Except as provided in paragraph (b) of this section, the Federal regulation requiring this alcohol and controlled substances testing preempts any State or local law, rule, regulation, order to the extent that:

1. Compliance with both the State or local requirement and the Federal regulation is not possible; or
(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of this Federal regulation.

(b) This policy, and the Federal regulation requiring it, shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, Western Nebraska Community College, or the general public.

OTHER REQUIREMENTS IMPOSED BY Western Nebraska Community College 382.111

Except as expressly provided in this policy, nothing in the Federal regulation 382 and 49 CFR part 40 shall be construed to affect the authority of Western Nebraska Community College, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

PRE-DUTY DISCLOSURE OF ANY IMPAIRING EFFECT MEDICATION

Any employee working in a safety-sensitive position is required, as a safety rule, to pre-duty disclosure that they are taking ANY impairing affect prescription (including medical marijuana) or over the counter medications which may have an effect on performance of safety-sensitive duties. If the fact that the employee is taking an impairing effect medication is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive or is determined by the MRO to be a potential safety risk due to a medication, that employee will be subject to discipline, up to and including termination for violation of this safety rule. If disclosure is made, prior to being called for testing, the College reserves the right to send the employee for a Fitness for Duty evaluation to evaluate the medication and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety related risks of the medication(s) which they are taking, providing the doctor a copy of their job description, and having the doctor render an opinion on the safety related risks. The employee need not disclose to the College the medication or medical condition involved to fulfill the disclosure obligation of this safety policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO will make the final determination on the safety related risks of any particular medication.

Note: Safety-sensitive employees are those employees who discharge duties so fraught with risks of injury to self or others, environmental injury and/or property damage that even a momentary lapse of attention can have disastrous consequences.

REQUIREMENT FOR NOTICE 382.113

Before performing an alcohol or controlled substances test under the Federal regulation, Western Nebraska Community College shall notify a driver that the alcohol or controlled substances test is required by Federal regulation. Western Nebraska Community College shall not falsely represent that a test is administered under Federal regulation.
STARTING DATE FOR TESTING PROGRAMS 382.115

(a) All domestic-domiciled employers must implement the requirements of this policy the date the employer begins commercial motor vehicle operations.

(b) All foreign-domiciled employers must implement the requirements of this policy on the date the employer begins commercial motor vehicle operations in the United States.

PUBLIC INTEREST EXCLUSION 382.117

Western Nebraska Community College shall use the services of a service agent who is subject to a public interest exclusion (PIE) in accordance with 49 CFR part 40, Subpart R.

STAND-DOWN WAIVER PROVISION 382.119

(a) Western Nebraska Community College is prohibited from standing employees down, except consistent with a waiver from the Federal Motor Carrier Safety Administration as required under 382.119 of Federal regulations.

(b) If Western Nebraska Community College seeks a waiver from the prohibition against standing down an employee before the MRO has completed the verification process shall follow the procedures in 49 CFR 40.21. Western Nebraska Community College must send a written request which includes all of the information required by that section to the Federal Motor Carrier Safety Administrator (or the Administrator's designee), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

(c) The final decision whether to grant or deny the application for a waiver will be made by the Administrator or the Administrator's designee.

(d) After a decision is signed by the Administrator or the Administrator's designee, Western Nebraska Community College will be sent a copy of the decision, which will include the terms and conditions for the waiver or the reason for denying the application for a waiver.

(e) Questions regarding waiver applications should be directed to the Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. The telephone number is (202) 366-5720.

EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCE USE 382.121

(a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy and 49 CFR part 40, provided that:
(1) The admission is in accordance with Western Nebraska Community College’s written voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
(2) The driver does not self-identify in order to avoid testing under the requirements of this part;
(3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
(4) The driver does not perform a safety sensitive function until Western Nebraska Community College is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:
   (1) It prohibits Western Nebraska Community College from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;
   (2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
   (3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
   (4) It must ensure that:
      (i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
      (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and
   (5) It may incorporate employee monitoring and include non-DOT follow-up testing.
EMPLOYEE ASSISTANCE PROGRAM

Western Nebraska Community College’s employee assistance program (EAP) is a confidential program designed to assist in the identification and resolution of problems associated with employees impaired by alcohol or drugs, or other personal concerns that may adversely affect employee job performance.

SECTION B - PROHIBITIONS

ALCOHOL CONCENTRATION 382.201

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If Western Nebraska Community College has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, the driver will not be permitted to perform or continue to perform safety-sensitive functions.

ON-DUTY USE 382.205

No driver shall use alcohol while performing safety-sensitive functions. If Western Nebraska Community College has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, that driver shall not be permitted to perform or continue to perform safety-sensitive functions.

PRE-DUTY USE 382.207

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If Western Nebraska Community College has actual knowledge of a driver who has used alcohol within four (4) hours, that driver will not be permitted to perform or continue to perform safety-sensitive functions.

USE FOLLOWING AN ACCIDENT 382.209

No driver required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST 382.211

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382.311. Western Nebraska Community College shall not
permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.
CONTROLLED SUBSTANCES USE 382.213

(a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

(b) Western Nebraska Community College, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform a safety-sensitive function.

(c) Western Nebraska Community College may require a driver to inform Western Nebraska Community College of any therapeutic drug use.

CONTROLLED SUBSTANCES TESTING 382.215

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. Western Nebraska Community College, having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions.

CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B Any driver who engages in conduct prohibited by Section B of this policy will be subject to disciplinary action up to and including termination.

SECTION C - TESTS REQUIRED

Required testing includes pre-employment (controlled substances required, alcohol at option of Western Nebraska Community College), post-accident, random, and reasonable suspicion. Return-to-duty and follow-up-testing is also required if the Western Nebraska Community College allows a "positive" test employee to return to a safety-sensitive function after the required evaluation by a Substance Abuse Professional and the required rehabilitation.

COLLEGE RESERVES RIGHT TO CONDUCT NON-DOT DRUG AND ALCOHOL TESTING

In addition to drug and alcohol testing conducted by College pursuant to 49 CFR Part 40, and specifically allowed for in 49 CFR Part 382, College reserves the right to screen and/or test employees under College’s Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including urine and oral fluid
(saliva), for the detection of illegal drugs, prescription and over the counter medications or substances which have an impairing effect and/or alcohol, taken by safety-sensitive employees, as may be permitted by applicable state or local laws or regulations and collective bargaining agreements. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227].

For purposes of College’s compliance with DOT testing requirements, such non-DOT tests will be considered as if no DOT test was conducted regardless of the result of such test(s). Such screening and/or testing will be conducted in conformity with State Laws, the device manufacturer's recommendations. No DOT related consequences under DOT Agency Regulations arise based on the results of a non-DOT test(s) or refusal to submit to a non-DOT test [40.191]. Any drug or alcohol screen/test performed outside of DOT guidelines is not subject to the DOT Employer Reporting requirements [40.25].

**PRE-EMPLOYMENT 382.301**

(a) Prior to the first time a driver performs safety-sensitive functions for Western Nebraska Community College, the driver shall undergo testing for controlled substances as a condition prior to being used, unless Western Nebraska Community College uses the exception in paragraph (b) of this section. Western Nebraska Community College shall allow a driver, who Western Nebraska Community College intends to hire or use, to perform safety-sensitive functions unless Western Nebraska Community College has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver. *Western Nebraska Community College shall require a re-collection of a urine specimen on any pre-employment, return-to-duty and follow-up drug test if the result is negative-dilute. The MRO has authority to direct the re-collection be observed. If the second test result is also negative-dilute, Western Nebraska Community College shall accept the result as a negative test.*

(b) Western Nebraska Community College is not required to administer a controlled substances test required by paragraph (a) of this section if:

1. The driver has participated in a controlled substances testing program that meets the requirements of this policy within the previous 30 days; and
2. While participating in that program, either--
   (i) Was tested for controlled substances within the past 6 months (from the date of application with Western Nebraska Community College), or
   (ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with Western Nebraska Community College); and
3. Western Nebraska Community College ensures that no prior employer of the driver of whom Western Nebraska Community College has knowledge has records of a violation of this policy or the controlled substances use rule of another DOT agency within the previous six months.
(c) (1) If Western Nebraska Community College exercises the exception in paragraph (b) of this section, Western Nebraska Community College shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:
   (i) Name(s) and address(es) of the program(s).
   (ii) Verification that the driver participates or participated in the program(s).
   (iii) Verification that the program(s) conforms to part 40 of Federal regulations.
   (iv) Verification that the driver is qualified under the rules of this policy, including that the driver has not refused to be tested for controlled substances.
   (v) The date the driver was last tested for controlled substances.
   (vi) The results of any tests taken within the previous six months and any other violations of Section B of this policy.

(2) If Western Nebraska Community College who uses, but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with 382.401. If Western Nebraska Community College cannot verify that the driver is participating in a controlled substances testing program in accordance with this policy and part 40 of Federal regulations, Western Nebraska Community College shall conduct a pre-employment controlled substances test.

(d) Western Nebraska Community College may, but is not required to, conduct pre-employment alcohol testing under this policy. If Western Nebraska Community College chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:
   (1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
   (2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
   (3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
   (4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of Federal regulation.
   (5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

**POST-ACCIDENT 382.303**

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, Western Nebraska Community College shall test for alcohol for each of it’s surviving drivers:
   (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
   (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
   (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, Western Nebraska Community College shall test for controlled substances for each of it’s surviving drivers:
   (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
   (2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
      (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
      (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

<table>
<thead>
<tr>
<th>Type of accident involved</th>
<th>Citation issued to the CMV driver</th>
<th>Test must be performed by Western Nebraska Community College</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human fatality</td>
<td>If YES</td>
<td>Then YES</td>
</tr>
<tr>
<td></td>
<td>If NO</td>
<td>Then YES</td>
</tr>
<tr>
<td>Bodily injury with immediate medical treatment away from the scene</td>
<td>If YES</td>
<td>Then YES</td>
</tr>
<tr>
<td></td>
<td>If NO</td>
<td>Then NO</td>
</tr>
<tr>
<td>Disabling damage to any motor</td>
<td>If YES</td>
<td>Then YES</td>
</tr>
<tr>
<td></td>
<td>If NO</td>
<td>Then NO</td>
</tr>
<tr>
<td>Vehicle requiring tow away</td>
<td>If NO</td>
<td>Then NO</td>
</tr>
</tbody>
</table>

(d)(1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, Western Nebraska Community College shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, Western Nebraska Community College shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, Western Nebraska Community College shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the
reasons the test was not promptly administered. Records shall be submitted to the FMCSA
upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or
may be deemed by Western Nebraska Community College to have refused to submit to testing.
Nothing in this section shall be construed to require the delay of necessary medical attention for
injured people following an accident or to prohibit a driver from leaving the scene of an accident for
the period necessary to obtain assistance in responding to the accident, or to obtain necessary
emergency medical care.

(f) Western Nebraska Community College shall provide drivers with necessary post-accident
information, procedures and instructions, prior to the driver operating a commercial motor vehicle,
so that drivers will be able to comply with the requirements of this section.

(g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or
local officials having independent authority for the test, shall be considered to meet the
requirements of this section, provided such tests conform to the applicable Federal, State or
local alcohol testing requirements, and that the results of the tests are obtained by Western
Nebraska Community College.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or
local officials having independent authority for the test, shall be considered to meet the
requirements of this section, provided such tests conform to the applicable Federal, State or
local controlled substances testing requirements, and that the results of the tests are obtained
by Western Nebraska Community College.

(h) Exception. This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
(2) An occurrence involving only the loading or unloading of cargo; or
(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger
vehicle (as defined in 571.3) by Western Nebraska Community College unless the motor
vehicle is transporting passengers for hire or hazardous materials of a type and quantity that
require the motor vehicle to be marked or placarded in accordance with 177.823.

RANDOM 382.305

(a) Western Nebraska Community College shall comply with the requirements of this section. Every
driver shall submit to random alcohol and controlled substance testing as required in this section.

(b) (1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual
percentage rate for random alcohol testing shall be 10 percent of the average number of
driver positions.
(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions.

**NOTE:** Sections (c) thru (h) address the FMCSA Administrator’s decision to increase or decrease the minimum annual random percentage rate for alcohol and controlled substances testing based on the reported violation rate for the entire industry. For the year 2008, the minimum annual random testing rate for alcohol is 10% and for controlled substances 50%.

(i) (1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(3) Each driver selected for testing shall be tested during the selection period.

(j) (1) To calculate the total number of covered drivers eligible for random testing throughout the year, Western Nebraska Community College, must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in Western Nebraska Community College’s random testing pool, and all covered drivers must be in the random pool. If Western Nebraska Community College conducts random testing more often than once per month (e.g., daily, weekly, bi-weekly) Western Nebraska Community College does not need to compute this total number of covered drivers rate more than on a once per month basis.

(2) Western Nebraska Community College may use a service agent (e.g., a C/TPA) to perform random selections and covered drivers may be part of a larger random testing pool of covered employees. However, Western Nebraska Community College must ensure that the service agent is testing at the appropriate percentage established for FMCSA and that only covered employees are in the random testing pool.

(k) (1) Western Nebraska Community College shall ensure that random alcohol and controlled substances tests conducted under this policy are unannounced.

(2) Western Nebraska Community College shall ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

(l) Western Nebraska Community College shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, Western Nebraska Community College shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
(m) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(n) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for Western Nebraska Community College, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

(o) If Western Nebraska Community College is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, Western Nebraska Community College may—

1. Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

2. Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which Western Nebraska Community College is subject.

REASONABLE SUSPICION 382.307

(a) Western Nebraska Community College shall require a driver to submit to an alcohol test when Western Nebraska Community College has reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning alcohol. Western Nebraska Community College’s determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) Western Nebraska Community College shall require a driver to submit to a controlled substances test when there is reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning controlled substances. Western Nebraska Community College’s determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or an official of Western Nebraska Community College who is trained
in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. If the employee insists on driving, the proper local enforcement authority should be notified that an employee, who we believe may be under the influence of a drug or alcohol, is leaving College premises driving a motor vehicle.

(d) Alcohol testing is authorized by DOT/FMCSA regulations only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the Federal regulation. A driver may be directed by Western Nebraska Community College to only undergo reasonable suspicion alcohol testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e) (1) If an alcohol test required by DOT/FMCSA regulations is not administered within two (2) hours following the determination under paragraph (a) of this section, Western Nebraska Community College shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by DOT/FMCSA regulations is not administered within eight (8) hours following the determination under paragraph (a) of this section, Western Nebraska Community College shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(2) Notwithstanding the absence of a reasonable suspicion alcohol test under DOT/FMCSA regulations, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall Western Nebraska Community College permit the driver to perform or continue to perform safety-sensitive functions, until:

(i) An alcohol test is administered and the driver’s alcohol concentration measures less than 0.02; or
(ii) Twenty four (24) hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this policy concerning the use of alcohol.

(3) Except as provided in paragraph (e)(2) of this section, Western Nebraska Community College shall take no action under this policy against a driver based solely on the driver’s behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit Western Nebraska Community College with independent authority of DOT/FMCSA regulations from taking any action otherwise consistent with law.

(f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or an official of Western Nebraska Community College who made the observations, with 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
RETURN-TO-DUTY 382.309

The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O.

FOLLOW-UP 382.311

The requirements for following-up testing must be performed in accordance with 49 CFR part 40, Subpart O.

SECTION D - HANDLING OF TEST RESULTS, RECORD RETENTION AND CONFIDENTIALITY

RETENTION OF RECORDS 382.401

(a) General requirement. Western Nebraska Community College shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) Period of retention. Western Nebraska Community College shall maintain the records in accordance with the following schedule:

1) Five years. The following records shall be maintained for a minimum of five years:
   (i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
   (ii) Records of driver verified positive controlled substances test results,
   (iii) Documentation of refusals to take required alcohol and/or controlled substances tests,
   (iv) Driver evaluation and referrals,
   (v) Calibration documentation
   (vi) Records related to the administration of the alcohol and controlled substances testing programs, and
   (vii) A copy of each annual calendar year summary required by 382.403.

2) Two years. Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

3) One year. Records of negative and canceled controlled substances test results (as defined in part 40 of Federal regulations) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

4) Indefinite period. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by Western Nebraska Community College while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
(c) Types of records. The following specific records shall be maintained. “Documents generated” are documents that may have to be prepared under a requirement of Federal regulations and this policy. If the record is required to be prepared, it must be maintained.

1) Records related to the collection process:
   (i) Collection logbooks, if used,
   (ii) Documents relating to the random selection process,
   (iii) Calibration documentation for evidential breath testing devices,
   (iv) Documentation of breath alcohol technician training,
   (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests,
   (vi) Documents generated in connection with decisions on post-accident tests,
   (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing and
   (viii) A copy of each annual calendar year summary as required by 382.403.

2) Records related to a driver’s test results:
   (i) Western Nebraska Community College’s copy of the alcohol test form, including the results of the test,
   (ii) Western Nebraska Community College’s copy of the controlled substances test chain of custody and control form,
   (iii) Documents sent by the MRO to Western Nebraska Community College, including those required by part 40, Subpart G,
   (iv) Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this policy and
   (v) Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this policy.
   (vi) Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that Western Nebraska Community College:
           (A) Must obtain in connection with the exception contained in 382.301 of this policy, and
           (B) Must obtain as required by 382.413.

3) Records related to other violations of this policy.

4) Records related to evaluations:
   (i) Records pertaining to a determination by a substance abuse professional concerning a driver’s need for assistance and
   (ii) Records concerning a driver’s compliance with recommendations of the substance abuse professional.

5) Records related to education and training:
   (i) Materials on alcohol misuse and controlled substances use awareness, including a copy of Western Nebraska Community College’s policy on alcohol misuse and controlled substances use,
   (ii) Documentation of compliance with requirements of 382.601, including the driver’s signed receipt of education materials,
(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;
(iv) Documentation of training for breath alcohol technicians as required by 40.213(a), and
(v) Certification that any training conducted under these Federal Regulations complies with requirements for such training.

(6) Administrative records related to alcohol and controlled substances testing:
(i) Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, and consortia and/or with a C/TPA,
(ii) Names and positions of officials and their role in Western Nebraska Community College’s alcohol and controlled substances testing program(s),
(iii) Semi-annual laboratory statistical summaries of urinalysis required by 40.111 (a) of Federal regulations and
(iv) Western Nebraska Community College’s alcohol and controlled substances testing policy and procedures.

(d) Location of records. All records required by this policy shall be maintained as required by 390.31 and shall be made available for inspection at Western Nebraska Community College’s principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM 382.403

(a) Western Nebraska Community College shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over Western Nebraska Community College or any of its drivers.

(b) If Western Nebraska Community College is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report Western Nebraska Community College’s annual calendar year summary information, Western Nebraska Community College shall prepare and submit the report to the FMCSA by March 15 of that year. Western Nebraska Community College shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. Western Nebraska Community College must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at Sec. 40.26 and appendix H to part 40). Western Nebraska Community College may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see:

(c) When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. Western Nebraska
Community College shall ensure the accuracy and timeliness of each report submitted by Western Nebraska Community College or a consortium.

(d) If Western Nebraska Community College has a covered employee who performs multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for Western Nebraska Community College), then that employee shall be counted only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Western Nebraska Community College may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(e) A service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) may prepare the MIS report on behalf of Western Nebraska Community College. However, a College official (e.g., Designated employer representative) must certify the accuracy and completeness of the MIS report, no matter who prepares it.

ACCESS TO FACILITIES AND RECORDS 382.405

(a) Except as required by law or expressly authorized or required, Western Nebraska Community College shall not release driver information that is contained in records required to be maintained under 382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver’s use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. Western Nebraska Community College will promptly provide the records requested by the driver. Access to a driver’s records shall not be contingent upon payment for records other than those specifically requested.

(c) Western Nebraska Community College shall permit access to all facilities utilized in complying with the requirements of this policy to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over Western Nebraska Community College or any of its drivers.

(d) Western Nebraska Community College shall make available copies of all results for Western Nebraska Community College’s alcohol and/or controlled substances testing conducted under this policy and any other information pertaining to Western Nebraska Community College’s alcohol misuse and/or controlled substances use prevention program(s), when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over Western Nebraska Community College and any of its drivers.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, Western Nebraska Community College shall disclose information related to Western Nebraska
Community College’s administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver’s request.

(g) Western Nebraska Community College may disclose information required to be maintained under this policy pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this policy (including, but not limited to, a worker’s compensation, unemployment compensation, or other proceeding relating to a benefit sought).

(h) Western Nebraska Community College shall release information regarding a driver’s records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee’s specific written consent as outlined in 49 CFR part 40.321(b).

MEDICAL REVIEW OFFICER NOTIFICATIONS TO Western Nebraska Community College 382.407

The medical review officer shall report the results of controlled substances tests to Western Nebraska Community College in accordance with the requirements of 49 CFR part 40, Subpart G.

MEDICAL REVIEW OFFICER RECORD RETENTION FOR CONTROLLED SUBSTANCES 382.409

(a) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years for verified positive controlled substances test results.

(b) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum or one (1) year for negative and canceled controlled substances test results.

(c) No person may obtain the individual controlled substances test results retained by a medical review officer or third party administrator, and no medical review officer or third party administrator shall release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph (c) shall prohibit a medical review officer or third party administrator from releasing, to Western Nebraska Community College or to officials of the Secretary of Transportation, any DOT agency, or any State
or local officials with regulatory authority over the controlled substances testing program under this policy, the information delineated in 49 CFR part 40, Subpart G.

**EMPLOYER NOTIFICATIONS 382.411**

(a) Western Nebraska Community College shall notify a driver of the results of a pre-employment controlled substances test conducted under this policy, if the driver applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. Western Nebraska Community College shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. Western Nebraska Community College shall also inform the driver which controlled substance or substances were verified as positive.

(b) The designated employer representative (DER) shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver’s employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

(c) The designated employer representative (DER) shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 24 hours.

**INQUIRIES FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION FROM PREVIOUS EMPLOYERS 382.413**

Western Nebraska Community College shall request alcohol and controlled substances information from previous employers in accordance with the requirements of 49 CFR part 40.25.

**SECTION E - CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE-RELATED CONDUCT**

**REMOVAL FROM SAFETY-SENSITIVE FUNCTION 382.501**

(a) Except as provided in Section F of this policy, no driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by Section B of this policy or an alcohol or controlled substances rule of another DOT agency.

(b) Western Nebraska Community College shall not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if Western Nebraska Community College has determined that the driver has violated this policy.
(c) For the purposes of DOT/FMCSA regulations, commercial motor vehicle means a commercial motor vehicle in commerce as defined in 382.107 and a commercial motor vehicle in interstate commerce as defined in part 390.

**REQUIRED EVALUATION AND TESTING 382.503**

No driver who has engaged in conduct prohibited by Section B of this policy shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O. Western Nebraska Community College shall not permit a driver who has engaged in conduct prohibited by Section B of this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O.

**OTHER ALCOHOL-RELATED CONDUCT 382.505**

(a) No driver tested under the provisions of Section C of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for Western Nebraska Community College, including driving a commercial motor vehicle, nor shall Western Nebraska Community College permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver’s next regularly scheduled duty period, but not less than 24 hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, Western Nebraska Community College shall not take any action under this policy against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit Western Nebraska Community College with authority independent of this policy from taking any action otherwise consistent with law.

*The use or possession of alcoholic beverages while on Western Nebraska Community College’s property, or in any of Western Nebraska Community College’s vehicle, or on Western Nebraska Community College’s time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.*

*Employees who are not at work, but who could be called out are expected to be fit for duty upon reporting for work. If an employee is under the influence of alcohol, the employee must notify Western Nebraska Community College’s personnel when contacted. Failure to advise Western Nebraska Community College of alcohol consumption may result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employee’s supervisor must be notified.*

*The supervisor must objectively observe the employee’s behavior and if possible, substantiate the behavior with a second supervisor. Supervisors must have received training in alcohol and/or substance abuse detection. The supervisor must follow procedures outlined in the policy. If a*
determination to test for reasonable suspicion is made, the employee is immediately removed from safety-sensitive duties and the DER is contacted.

PENALTIES 382.507

Western Nebraska Community College and/or driver who violates the FMCSA requirements of 382 and/or 49 CFR part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. Section 521(b).

SECTION F – ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE
INFORMATION, TRAINING, AND REFERRAL

Western Nebraska Community College’S OBLIGATION TO PROMULGATE A POLICY ON THE MISUSE OF ALCOHOL AND USE OF CONTROLLED SUBSTANCES. 382.601

(a) General requirements. Western Nebraska Community College shall provide educational materials that explain the requirements of this policy and Western Nebraska Community College’s policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements.

(1) Western Nebraska Community College shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) Western Nebraska Community College shall provide written notice to representatives of employee organizations of the availability of this information.

(b) Required content. The materials to be made available to drivers shall include detailed discussion of at least the following:

(1) The identity of the person designated by Western Nebraska Community College to answer driver questions about the materials; (COVERED EMPLOYEE CERTIFICATE OF RECEIPT)

(2) The categories of drivers who are subject to the provisions of this policy; (APPLICABILITY)

(3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the policy; (PERIOD OF THE WORK DAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE)

(4) Specific information concerning driver conduct that is prohibited by this policy; (SECTION B - PROHIBITIONS)

(5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d); (SECTION C - TESTS REQUIRED)

(6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing process, safeguard the validity of the test results,
and ensure that those results are attributed to the correct driver, including post-accident
information, procedures and instructions required by 382.303(d); *(49 CFR part 40)*

(7) The requirement that a driver submit to alcohol and controlled substances tests administered
in accordance with this policy; *(REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR
CONTROLLED SUBSTANCES TEST)*

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances
test and the attendant consequences; *(DEFINITIONS)*

(9) The consequences for drivers found to have violated Section B of this policy, including the
requirement that the driver be removed immediately from safety-sensitive functions, and the
procedures under 49 CFR part 40, Subpart O; *(CERTIFICATE OF RECEIPT, CONSEQUENCES
OF PROHIBITED CONDUCT; and CONSEQUENCES OF CONDUCT PROHIBITED BY
SECTION B, and SECTION E)*

(10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but
less that 0.04; *(OTHER ALCOHOL-RELATED CONDUCT 382.505)*

(11) Information concerning the effects of alcohol and controlled substances use on an
individual’s health, work, and personal life; signs and symptoms of an alcohol or a controlled
substances problem (the driver’s or a coworker’s); and available methods of intervening when an
alcohol or a controlled substances problem is suspected, including confrontation, referral to any
employee assistance program and/or referral to management.

(c) *Optional provision.* The materials supplied to drivers may also include information on Western
Nebraska Community College’s additional policies with respect to the use or possession of alcohol
or controlled substances, including any consequences for a driver found to have a specified alcohol
or controlled substances level, that are based on Western Nebraska Community College’s authority
independent of Federal regulation. Any such additional policies or consequences must be clearly and
obviously described as being based on independent authority.

(d) *Certificate of receipt.* Western Nebraska Community College shall ensure that each driver is
required to sign a statement certifying that he/she has received a copy of these materials described in
this section. Western Nebraska Community College shall maintain the original of the signed
certificate and may provide a copy of the certificate to the driver.

**TRAINING FOR SUPERVISORS 382.603**

Western Nebraska Community College shall ensure that all persons designated to supervise drivers
receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes
of training on controlled substances use. The training will be used by the supervisors to determine
whether reasonable suspicion exists to require a driver to undergo testing under 382.307. The
training shall include the physical, behavioral, speech, and performance indicators of probable
alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not
required.
REFERRAL, EVALUATION, AND TREATMENT 382.605

The requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR part 40, Subpart O.

Adopted, March 16, 2011

GENDER GRIEVANCE PROCEDURES (Appendix: E-1-97)

Procedure.

(1) Any person aggrieved by a violation of this policy may file a complaint by delivering a copy of the complaint to the College President or Secretary of the Board of Governors or by delivering a copy of the complaint to the Human Resources Office. Such complaint shall be made in writing, under oath, within 180 days after such alleged violation and shall set forth the complainant's address and the facts of such alleged violation with sufficient particularity as to permit the governing body to understand and investigate the conduct complained of.

(2) Subsequent to the delivery of the complaint, the Chief Human Resources Officer is directed to investigate this complaint and to make a report to the College President no later than 90 days from the date of filing this complaint setting forth the findings of fact of the Chief Human Resources Officer concerning the alleged discriminatory practice or policy complained of and further setting forth the recommendation from the Chief Human Resources Officer as to whether:

(a) A discriminatory practice exists on the basis of gender;
(b) Designation of steps necessary to terminate the discriminatory practice or policy complained of;
(c) An award to the aggrieved person or persons such compensatory money damages as the particular facts and circumstances may warrant.

(3) The College President shall within 60 days after receiving this report from the Chief Human Resources Officer, review the findings of the Chief Human Resources Officer and may further investigate the conduct complained of. The College President shall make a final report to the Board of Governors setting forth whether:

(a) A discriminatory practice exists on the basis of gender;
(b) Designation of steps necessary to terminate the discriminatory practice or policy complained of;
(c) An award to the aggrieved person or persons such compensatory money damages as the particular facts and circumstances may warrant.

(4) The Board of Governors shall within 180 days of filing of this complaint dispose of the
complaint and shall notify the complainant of its findings. All dispositions of such complaint shall be in writing and signed by the Chairperson of the Board of Governors and a true copy of such disposition shall be mailed by certified mail, return receipt requested, to the complainant at the address set forth on the complaint or at such other address as may be filed by the complainant with the Board of Governors.

The complainant shall notify the Secretary of the Board of Governors of any change of address and the Board of Governors has no duty to attempt to locate any claimant who has failed to advise the Board of Governors of a change of address.

**Acceptance of Disposition.**

If the complainant elects to accept the written disposition made by the Board of Governors of the complaint, he or she shall notify the Secretary of the Board of Governors in writing of his or her acceptance within 60 days after receipt of such disposition at which time such disposition shall be deemed final and conclusive. A failure to notify the Board of Governors of such acceptance within the time period provided in this section shall be deemed a rejection of such disposition.

**Rejection of Disposition.**

If the complainant elects not to accept the written disposition of such complaint made by the Board of Governors, he or she may within 180 days after receipt of such disposition, file an original action in the district court for equitable relief and compensatory money damages. If such action includes a claim for money damages, such complainant shall be entitled to a trial by jury as to such claim for damages unless he or she expressly waives in writing such trial by jury.

**Failure of Board of Governors to Act.**

If the Board of Governors fails to dispose of any written complaint filed within 180 days after the date of filing, such complaint may be withdrawn by the complainant and he or she may then proceed to file an original action in the district court. Such action must be filed within two years of the date of filing such complaint.

**Prerequisite to Other Remedies.**

No original action asserting a violation of the Nebraska Equal Opportunity in Postsecondary Education Act may be filed in any district court unless a complaint asserting such violation is first filed with the Board of Governors of Western Community College Area and disposed or withdrawn as herein provided.
IDENTITY THEFT PROCEDURES – “RED FLAG RULES (Appendix: F-1-09)

Definitions

A. “Account” means a continuing relationship established by a person with WNCC to obtain a product or service for personal, family, household, or business purposes. Account includes, but is not limited to:

1) An extension of credit, such as the purchase of property or services involving a deferred payment,

2) A deposit account.

B. “Covered Account” means:

1) An account that WNCC offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions. Examples could include credit or debit card accounts if the cards are issued by the institution, certain student loan accounts, telephone accounts, utility accounts, and accounts for the payment of tuition, fees or other charges over time;

2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

C. “Customer” means a person that has a covered account with WNCC.

D. ”Identity Theft” means a fraud committed or attempted using the identifying information of another person without authority.

E. “Identifying Information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any

1) Name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification;

2) Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3) Unique electronic identification number, address, or routing code;

4) Telecommunication identifying information or access device (as defined in 18 USC 1029(e).

F. “Red Flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

G. “Service Provider” means a person who provides a service directly to WNCC.

Fulfilling Requirements of the Red Flags Rule

Under the Red Flags Rule, the College is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

A. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;

B. Detect Red Flags that have been incorporated into the Program;

C. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft;

D. Ensure the Program is updated periodically to reflect changes in risks to students or to the safety and soundness of the student from Identity Theft.

Identification of Red Flags

In order to identify relevant Red Flags, WNCC considers the types of accounts that it offers and maintains, methods it provides to open its accounts, methods it provides to access its accounts, and its previous experiences with Identity Theft. WNCC identifies the following Red Flags in each of the listed categories:

A. Notifications and Warnings from Credit Reporting Agencies Red Flags

1) Report of fraud accompanying a credit report;

2) Notice or report from a credit agency of a credit freeze on an applicant;

3) Notice or report from a credit agency of an active duty alert for an applicant;

4) Receipt of a notice of address discrepancy in response to a credit report request;
5) Indication from a credit report of activity that is inconsistent with an applicant’s usual pattern or activity.

**B. Suspicious Documents Red Flags**

1) Identification documents or cards that appear to be forged, altered or inauthentic;

2) Identification documents or cards on which a person’s photograph or physical description is not consistent with the person presenting the document;

3) Other documents with information that is not consistent with existing student information;

4) Applications for service that appear to have been altered or forged.

**C. Suspicious Personal Identifying Information Red Flags**

1) Identifying information presented that is inconsistent with other information the student provides (example: inconsistent birth dates);

2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a loan application);

3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

5) Social security number presented that is the same as one given by another student;

6) An address or phone number presented that is the same as that of another person;

7) A person fails to provide complete personal identifying information on an application when reminded to do so;

8) A person’s identifying information is not consistent with the information that is on file for the student.

**D. Suspicious Covered Account Activity or Unusual Use of Account Red Flags**
1) Change of address for an account followed by a request to change the student’s name;

2) Payments stop on an otherwise consistently up-to-date account;

3) Account used in a way that is not consistent with prior use;

4) Mail sent to the student is repeatedly returned as undeliverable;

5) Notice to WNCC that a student is not receiving mail sent by WNCC;

6) Notice to WNCC that an account has unauthorized activity;

7) Breach in WNCC’s computer system security;

8) Unauthorized access to or use of student account information.

E. Alerts from Others Red Flag

1) Notice to WNCC from a student, Identity Theft victim, law enforcement or other person that WNCC has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Detecting Red Flags

A. Student Enrollment

In order to detect any of the Red Flags identified above associated with the enrollment of a student, WNCC personnel will take the following steps to obtain and verify the identity of the person opening the account:

1) Require certain identifying information such as name, date of birth, academic records, home address or other identification;

2) Verify the student’s identity at time of issuance of student identification card (review of driver’s license or other government-issued photo identification).

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing Covered Account, WNCC personnel will take the following steps to monitor transactions on an account:
1) Verify the identification of students if they request information (in person, via telephone, via facsimile, via email);

2) Verify the validity of requests to change billing addresses by mail or email and provide the student a reasonable means of promptly reporting incorrect billing address changes;

3) Verify changes in banking information given for billing and payment purposes.

C. Consumer (“Credit”) Report Requests

In order to detect any of the Red Flags identified above for an employment or volunteer position for which a credit or background report is sought, WNCC personnel will take the following steps to assist in identifying address discrepancies:

1) Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for the credit report is made to the consumer reporting agency;

2) In the event that notice of an address discrepancy is received, verify that the credit report pertains to the applicant for whom the requested report was made and report to the consumer reporting agency an address for the applicant that WNCC has reasonably confirmed is accurate.

Preventing and Mitigating Identify Theft

In the event WNCC personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. Prevent and Mitigate

1) Continue to monitor a Covered Account for evidence of Identity Theft;

2) Contact the student or applicant (for which a credit report was run);

3) Change any passwords or other security devices that permit access to Covered Accounts;

4) Not open a new Covered Account;

5) Provide the student with a new student identification number;
6) Notify the Program Administrator for determination of the appropriate step(s) to take;

7) Notify law enforcement;

8) File or assist in filing a Suspicious Activities Report (“SAR”);

9) Determine that no response is warranted under the particular circumstances.

B. **Protect Student Identifying Information**

In order to further prevent the likelihood of Identity Theft occurring with respect to Covered Accounts, WNCC will take the following steps with respect to its internal operating procedures to protect student identifying information:

1) Ensure that its website is secure or provide clear notice that the website is not secure;

2) Ensure complete and secure destruction of paper documents and computer files containing student account information when a decision has been made to no longer maintain such information;

3) Ensure that office computers with access to Covered Account information are password protected;

4) Avoid use of social security numbers;

5) Ensure computer virus protection is up to date;

6) Require and keep only the kinds of student information that are necessary for WNCC purposes.

Program Administration

A. **Oversight**

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee (“Committee”) for WNCC. The Committee is headed by a Program Administrator who may be the President of WNCC or his or her appointee. Two or more other individuals appointed by the President of WNCC or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for ensuring appropriate training of WNCC staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and
the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B.  Staff Training and Reports

WNCC staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected. WNCC staff shall be trained, as necessary, to effectively implement the Program. WNCC employees are expected to notify the Program Administrator once they become aware of an incident of Identity Theft or of WNCC’s failure to comply with this Program. At least annually or as otherwise requested by the Program Administrator, WNCC staff responsible for development, implementation, and administration of the Program shall report to the Program Administrator on compliance with this Program. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening and maintenance of Covered Accounts, service provider arrangements, significant incidents involving identity theft and management’s response, and recommendations for changes to the Program.

C.  Service Provider Arrangements

In the event WNCC engages a service provider to perform an activity in connection with one or more Covered Accounts, WNCC will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of Identity Theft.

1) Require, by contract, that service providers have such policies and procedures in place;

2) Require, by contract, that service providers review WNCC's Program and report any Red Flags to the Program Administrator or WNCC employee with primary oversight of the service provider relationship.

D.  Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices may need to be limited to the Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered “confidential” and should not be shared with other employees or the public. The
Program Administrator shall inform the Committee and those employees with a need to know the information of those documents or specific practices which should be maintained in a confidential manner.

E. Program Updates

The program shall be re-evaluated and updated periodically to reflect changes in risks to customers or the safety and soundness of WNCC based on factors such as:

1) The experiences of WNCC with identity theft;

2) Changes in methods of identity theft;

3) Changes in methods to detect, prevent, and mitigate identity theft;

4) Changes in the types of accounts that WNCC offers or maintains;

5) Changes in the business arrangements of WNCC, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

The reviews will include an assessment of which accounts are covered by the program, and the risk of identity theft with respect to each type of covered account.

DEFINITION OF TERMS CITED IN THIS MANUAL

This section defines terms used throughout the manual. These definitions should aid in clarification and meaning of individual policies.

College: Western Nebraska Community College as an institution as a legal entity, including all of its centers and sites (See Policy 105.0100.79)

College Area: Western Community College Area, a political subdivision.

Chairperson of the Board of Governors of the Western Community College Area is referred to as Chairperson.

Secretary of the Board: Secretary of the Board of Governors of the Western Community College Area.

Treasurer: Treasurer of the Board of Governors of the Western Community College Area.

Board: Board of Governors for Western Community College Area.
President: Chief executive officer of the College, reporting directly to the Board of Governors.


Business Office: Administrative office(s) charged with business affairs including purchasing, payroll, and accounting.

Financial Aid Office: Administrative office(s) charged with providing financial assistance to students.

Student Services Office: Complex of offices providing student related services, administered by the Dean of Student Services.

Human Resources Office: Administrative office(s) established to provide employee and employer services for the College.