

Human Resources Policy Manual



October 2020

IAIA Human Resources Policies

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Updated IAIA Human Resources Policies

- 6/19/2019: Addition to Use of IAIA Equipment and Other Resources (Pg. 47)
- 4/25/2020: Elimination of Yearly Employee Performance (Pg. 21 – Deleted)
- 10/16/2020: Update to Weapons Policy to Allow Use of Pepper Spray for Personal Safety

ABOUT THE MANUAL

The Institute of American Indian Arts (IAIA) Policies and Procedures Manual contains information and policies, procedures and general information that relate to the staff of IAIA and includes some faculty leave policies. These policies and procedures shall apply to all employees of IAIA, unless specifically stated. Each employee has an obligation to review and comply with all policies and procedures as stated herein.

The use of this Manual does not preclude departments of IAIA from developing and issuing their own procedures and policies in addition to those contained in the Manual; however, such policies and procedures will not conflict with those contained in the Manual and any inconsistency or dispute will be resolved in favor of the policies and procedures contained in the Manual.

Policies contained herein are subject to changes that may occur in the operation of IAIA or a change in applicable local, state and/or federal laws. As such changes occur; the Human Resources Department will update the manual as needed for review by the President of the Institute and approval of the IAIA Board of Trustees. Until approvals are received for any proposed change to the Manual, the existing provisions will continue to apply.

Complete and up to date copies of the Manual will be kept in the President's Office and the Human Resources Department and on the IAIA CampusNet.

NOTICE

This Manual sets forth the complete statement of IAIA employment policies. These policies supersede all prior statements of employment policy. This manual does not constitute a contract of any kind. IAIA retains the right to change, modify, interpret, or cancel in whole or in part any of its policies or procedures without advance notice.

TERMS AND DEFINITIONS

Advisory Council- The Administrative Team of IAIA which serves as an advisory body to the President.

Board of Trustees - The Board of Trustees established under 20 U.S.C. Section 4401 et. seq.

Department - A sub-division of IAIA.

Employee - All faculty and staff of IAIA.

Employment-at-Will - IAIA does not offer tenured or guaranteed employment to staff employees. Either IAIA or a staff employee may terminate the employment relationship at any time, with or without cause, with or without notice. The employment-at-will relationship for staff employees exists regardless of any other written statements or policies contained in this Handbook or any other IAIA documents or any verbal statement to the contrary.

Faculty - Teaching employees of IAIA.

Faculty Council - Organization made up of all Full-Time Faculty that serves as an advisory body to the Academic Dean and the President.

HR Director - The Human Resources Director of IAIA or his/her designee.

HR Department - The Human Resources Department of IAIA.

IAIA or Institute - The Institute of American Indian Arts and Alaska Native Culture and Arts Development, including its Museum and each of its departments.

IAIA location - Any part of IAIA's campus and Museum including, but not limited to, structures and grounds, and any other site at which an IAIA-sponsored or approved activity is held or IAIA business is conducted. Such activities include, but are not limited to, meetings, field trips and athletic events.

IAIA Vehicle - Any vehicle owned, leased or used by IAIA to transport members of the IAIA community to an IAIA-approved or sponsored activity or to conduct IAIA business.

Job Classification - Is the process of comparing the duties/essential functions and required qualifications/competencies of a position with IAIA's established job description model and assigning the position to the appropriate exemption stats, title and pay.

President - The Chief Executive Officer of IAIA as set forth in 20 U.S.C. Section 4401 et. seq., or his/her designee.

President's Cabinet - Those members of the IAIA management team that report directly to the President.

Regular Employee - An employee (staff/faculty) who has been hired to work 30 to 40 hours per work week and is eligible for benefits.

Regular Staff - A staff employee (not faculty) who has been hired to work 30 to 40 hours per work week and is eligible for benefits.

Sick Leave - An absence from work because of a non-work related illness or injury available only to benefit eligible employees (faculty/staff) and which is not subject to the Family Medical Leave Act (FMLA) guidelines.

Staff - Administrative, secretarial, professional, technical and clerical employees of IAIA.

Student - An individual enrolled in IAIA's education program.

Student Worker - A student employee who is not eligible for either a state or a federal work-study subsidy.

Work Study Student – A student employee who is eligible for either a state or a federal work-study subsidy.

I. HISTORY of IAIA

The Institute of American Indian Arts is a multi-tribal center of higher education dedicated to the study, creative application, preservation, and care of Native arts and culture.

The United States Department of Interior's Bureau of Indian Affairs, at the recommendation of the Indian Arts and Crafts Board in 1960, created the Institute of American Indian Arts (IAIA).¹ The Institute opened on the campus of the Indian School in Santa Fe, New Mexico in August 1962 under protests by Natives and groups dedicated to Native welfare. Specifically, they publicly protested the displacement of students from the Santa Fe Indian School and the establishment of IAIA.² Despite the challenges, the Institute embodied a bold and innovative approach to arts education under the leadership of its first Superintendent, Dr. George Boyce and first Art Director, Lloyd H. New. Initially an accredited high school curriculum, the Institute has now grown into a fully accredited, federally chartered fine arts college.

The philosophy of IAIA champions' freedom of expression for American Indian artists, and encouraged students to experiment with new materials and technologies, to examine, invent, imagine, grow and evolve. In 1970, Art Director Lloyd New wrote, "The approach used, stressing cultural roots as a basis for individual creativity, is a unique development of the world scene and in our national dedication to the enhancement of minority contributions."³ From this vision, the Contemporary Indian Art Movement was born, enriching Native and non-Native cultures, both aesthetically and economically. Students, faculty and alumni gained renown for their innovative and groundbreaking work. The body of their work collectively came to establish the base of the IAIA Museum in 1971, now known as the Museum of Contemporary Native Art, and is now comprised of over 7,500 art objects housed on the IAIA Campus.

Educationally, IAIA initially offered a high school curriculum, accredited by the State of New Mexico and 'post-graduate' courses until 1975, when the Bureau of Indian Affairs chartered IAIA to become a 'Middle College' in the BIA system during that year. In 1984, IAIA was officially accredited by the Higher Learning Commission, North Central Association of Colleges and Schools (NCA) to award Associates degrees, and the National Association of Schools of Art and Design (NASAD) would follow suit in 1986. After years of self-study and accreditation reports, IAIA was granted Baccalaureate status in 2001.

Presently, as the nation's only fine arts college devoted solely to the artistic and cultural traditions of all American Indians, the Institute's mission is still guided by a strong sense of cultural identity, distinguished by a unique approach to arts education and Native education in general. As of its forty-seventh year, the Institute has graduated over 3100 students from most of the 557 federally recognized tribes as well as First Nation (Canada) and International students. As a multi-tribal cultural learning center, the Institute provides a bridge between a past rich with tradition and the dynamic ever-evolving American Indian culture of the new millennium.

When IAIA opened its doors in 1962, the student body comprised of 140 students representing 69 tribes and 19 states. A culturally-rich creative arts program with an interactive academic approach was carried out by arts faculty including James McGrath, Fritz Scholder, Allan Houser, Charles and Otellie Loloma, Louis Ballard, Seymour Tubis, Ralph Pardington, Neil Parsons and others. A dedicated staff of teachers taught English, mathematics, history, Spanish, and the sciences. A dormitory and counseling staff was also onsite to help students succeed.

¹ New, Lloyd H. "Progress Report: The Institute of American Indian Arts". 1970.

² School Closure Draws Protest from Indians". *The Denver Post*. 18 June 1962.

³ New, Lloyd H. "Using Cultural Difference as a Basis for Creative Expression". 1964 ca.

By 1965, its enrollment numbered 350 American Indian, Eskimo and Aleut natives, who collectively represented 88 individual tribes from twenty-five states. Among its first students were some of today's most noted artists, including Kevin Red Star, T.C. Cannon, Earl Biss, Alfred Youngman, and Bill War Soldier Soza. These artists rejected old ideas and formed their own standards of creativity with an emphasis on important contemporary social and political concerns.

Between 1966 and 1968, the Institute received international recognition during the First International Indian Arts Exhibition, produced by the U.S. Department of State and directed by Assistant Art Director James A. McGrath. The Exhibition traveled through Edinburgh, London, Berlin, Ankara, Santiago, Buenos Aires, and Mexico City to great acclaim. This exhibit featured the juxtaposition of traditional Native crafts and contemporary Native artworks as well as sand painting demonstrations. The exhibit was highly successful and was a starting point for international recognition of contemporary Native art.

The 1970's brought success and acclaim to the Institute and its artists as it gained a foothold on the terrain of arts education. There were continued challenges, mostly in regard to funding and recruitment. The new federal policy of 'Self-Determination' replaced the old 'Termination' policy, and was at the forefront of the school's mission. Its unique academic approach resonated with Native students, who typically were highly underrepresented in higher education. With a clear mission, motivated students and faculty, and confidence gained from its successes, the Institute had an unprecedented retention rate among American Indians. With a significant percentage of its graduates going on to earn advanced degrees, the school often served as a doorway to higher education.

By the middle of the decade, the Institute had been issued 'Middle College' status by the BIA.⁴ The Native American Council of Regents was established to help oversee IAIA under the new charter. IAIA gradually phased out its high school program, which ended in 1979. NCA and NASAD accreditation was in the works, but it wouldn't be until 1984 before accredited Junior College status was fully received. The Institute graduated its first class of students with associate degrees in 1985.

The end of the decade brought the retirement of Lloyd New in 1978, who had taken over as Superintendent (which he later change the title to Director) in 1967. Between 1978 and 1980, the Institute faced unprecedented challenges. The All Pueblo Indian Council (APIC) lobbied congressional officials and requested the return of the Santa Fe Indian School to the Council, a move that would displace IAIA from the campus. After months of federal subcommittee hearings, Congress ruled in favor of the APIC. IAIA was forced off the campus of the Santa Fe Indian School and began to rent dormitory and classroom space from the College of Santa Fe in 1980.

The 1980's brought continued changes and challenges. The move to the College of Santa Fe was painful and impacted enrollment, budget and morale. IAIA forged ahead with determination and held steadfast to its vision. Students, faculty and alumni continued producing high-quality art in considerable quantity despite the school's difficulties. The school had established a solid base of renown for arts excellence.

Beginning in 1982, under the leadership of IAIA director Jon Wade, IAIA and congressional officials, including Pete Domenici and Bill Richardson, began drafting a congressional bill that would release IAIA from federal oversight. Several bills were drafted and presented to both houses, but would eventually die out during the process. Finally in 1986, congress passed the Higher Education Amendments. Within that bill was a provision chartering the Institute of American Indian and Alaska Native Culture and Arts Development by Congress as a non-profit organization, one of only three Congressionally Chartered colleges in the country. The bill represented the federal government's financial commitment to IAIA while allowing it to grow and flourish under its own direction.

⁴ IAIA. "Status Study Report to the Accreditation Committee of the North Central Association of Colleges and Schools and the National Association of Schools of Art". 1977.

Under the charter, IAIA was governed by a presidentially nominated Board of Trustees, which was launched in 1988. This new status helped re-energize the school and gave it governmental autonomy and a semblance of budget stability. In 1989, the Board of Trustees successfully acquired 140 acres from the Rancho Viejo Partnership, Ltd. on which to construct our current campus and release IAIA from the campus of the College of Santa Fe. A \$4.9 million capital campaign made possible the 1992 opening of the new Institute of American Indian Arts Museum in downtown Santa Fe. The Museum breathed new life into the Institute and became a publicly visible cultural and economic extension of the college.

Starting in 1993, the Board of Trustees' moved forward with building the new campus. Both the new leadership and the new construction on the campus re-energized the Institute after years of financial and federal appropriation challenges. The "Planting the Seed" groundbreaking ceremony for the new campus was held in 1999. In August 2000, thirty-eight years after IAIA first conceptualized their experimental educational curriculum, the Institute celebrated the opening of its new campus.

In 2001, the Institute received accreditation from the NCA, for Bachelor's degrees in Creative Writing and Museum Studies, as well as accreditation for four-year, fine arts degrees in Studio Arts and Visual Communications.⁵ The Institute awarded its first baccalaureate degree at its May commencement services in 2002.

Now approaching its 50th year of operation, the IAIA campus is blooming. The Library and Technology Building was opened in 2006 in addition to the academic and facility buildings. New Dorms and family housing units were added in 2008-2009. In 2010, IAIA completed three major additions to the campus: The Center for Lifelong Education, a conference center complete with a café, bookstore, distance learning classrooms, board rooms, offices, and gathering spaces; The Science and Technology building was completed a few months later, comprising of high tech classrooms, museum conservation areas, a storage space for the collection of the Museum of Contemporary Native Art, and the Digital Dome, an innovative space to view images on a large, convex screen that can move around above viewers; and the Sculpture and Foundry building was completed simultaneously with the Science and Technology building and has enhanced our capacity to produce large-scale sculpture works. The future holds many options for campus development including an administrative building and a fitness and activity center. Educationally, Masters of Fine Art degrees are currently being pursued for Creative Writing and Museum Studies. A major expansion of the distance-learning program of IAIA launched in the spring semester of 2011 with the offering of various online courses in many different degree programs.

IAIA will continue to grow and flourish in the 21st century through its mission, goals, and perseverance. The original purpose of IAIA has not faded; IAIA continues to "provide adequate tools, professional leadership, freedom for exploration in various art fields, and encouragement of each student towards maximum freedom of artistic expression, IAIA makes a unique contribution to greater freedom and economic betterment of young Native people of all tribes. Through such opportunity many Native youths make significant cultural contributions to the world".⁶

⁵ Higher Learning Commission. "Report of a Focus Visit to the Institute of American Indian and Alaska Native Culture and Arts Development". May 2001.

⁶ "The Institute of American Indian Arts: A Basic Statement of Purpose". Prepared by IAIA Staff. October 1962. 2020

II. IAIA VISION, MISSION AND CORE VALUES

IAIA is a multi-tribal center of higher education for Native Americans dedicated to the study, creative application, preservation and care of Native arts and culture.

IAIA Vision

To be the premier educational institution for Native arts and cultures.

IAIA Mission Statement

To empower creativity and leadership in Native arts and cultures through higher education, lifelong learning and outreach.

IAIA Mission Objectives

1. Prepare our students for success and leadership reflecting Native cultures and values.
2. Provide culturally based programs that fulfill the physical, social, emotional, intellectual and spiritual needs of our students.
3. Offer the highest quality educational programs incorporating innovative teaching, critical inquiry and intergenerational learning.
4. Provide training and outreach as a 1994 land grant institution that promotes a sense of place, tribal sovereignty and self-determination.
5. Serve as a national center of excellence in contemporary Native arts and cultures through exhibitions, research, Indigenous exchange and other educational programs.

IAIA Core Values

Collaboration, joining together for student success.

Excellence, upholding high standards for students, faculty and staff.

Creativity, encouraging fearless expression in art and life.

Respect, fostering an understanding of cultures, perspectives and identities.

Integrity, demanding honesty, accountability and responsibility of oneself and the world at large.

III. IAIA BOARD GOVERNANCE

The Board of Trustees is composed of 13 voting members and 6 nonvoting members. Voting members are appointed by the President of the United States, with the advice and consent of the United States Senate. Nonvoting members consist of 2 members of the United States House of Representatives, 2 members of the Senate, the President of IAIA, ex officio, and the president of the student body of IAIA, ex officio. IAIA is under the direction and control of the Board, which has the ultimate authority to set and approve policy

The Board appoints the President. The President is responsible for the daily operations of IAIA and for planning, organizing, and directing all affairs in accordance with the policies of the Board.

The President's Cabinet consists of the most senior managers who report directly to the President.

The Advisory Council consists of the senior administrators of each IAIA Department who advise the President on various matters.

The Faculty Council is the representative body by which the faculty participates in the governance of IAIA. It provides leadership in the development, maintenance, and evaluation of academic programs and educational standards; in the protection of academic freedom; and in the advancement of IAIA; and in all matters of importance pertaining to IAIA policy concerning faculty affairs, academic affairs, and student affairs. The Faculty Council will make recommendations on matters of faculty status and overall institutional policy to the President and on academic matters to the Dean of Faculty, and on all matters through the faculty representative to the Board of Trustees.

The oversight of the IAIA Museum is the responsibility of the Museum Director, who reports to the President.

The Board of Trustees has policy-making responsibility for Museum administration and operations.

IV. COMPLIANCE WITH PUBLIC LAW POLICIES

A. Indian Preference Policy

The Institute of American Indian and Alaska Native Culture and Arts Development (IAIA) is authorized in its enabling federal legislation, notwithstanding any other provision of Federal or State law, to extend preference to Natives in employment by the Institute, and contracts, fellowships, and grants awarded by the Institute. IAIA's enabling statute further provides that, in hiring staff, "the President of the Institute shall, to the maximum extent practicable, give preference in hiring to Natives."

For the purpose of applying this policy, where two or more candidates for a particular position are approximately equivalent in their qualifications, hiring preference shall be given to the Native candidate.

IAIA requires that all applicants seeking Indian preference provide the HR Department with tribal affiliation certification of enrollment with a federally recognized tribe. Falsification of such documents or provision of false information regarding tribal affiliation is grounds for IAIA to terminate further consideration of an applicant or to employment.

B. Equal Employment Opportunity and Non-Discrimination

1. Policy

Within the bounds of its Indian Preference Policy, IAIA policy prohibits unlawful discrimination based on race, color, creed, gender, religion, age, national origin or ancestry, physical or mental disability, medical condition, including genetic characteristics, sexual orientation, gender-identity or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. This policy also prohibits retaliation against any employee who files a complaint, grievance or discrimination charge with IAIA or federal or state organizations designated to accept discrimination complaints. This policy and reporting procedure apply equally to any report of retaliation.

IAIA is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in school operations and prohibits unlawful discrimination by any employee of IAIA, including supervisors and coworkers.

2. Reporting Procedure

If you believe you have been subjected to any form of unlawful discrimination, submit a written or oral complaint to your supervisor, the HR Director or the President. In the event that your complaint is oral, it will be documented for you and you will be asked to sign and date it. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the Director of HR. IAIA will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation, if it is determined that the complaint falls under this policy.

If IAIA determines that unlawful discrimination has occurred, prompt remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. IAIA will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworker.

3. Response to Complaint

IAIA takes its responsibilities under the anti-discrimination and anti-retaliation laws seriously and, therefore, you should expect to receive a response from your supervisor within five business days of filing your complaint. If you have not had a response within five business days, advise the HR department. Should the HR department not respond within five business days, notify the President's office. Should your complaint be directed at your supervisor, file your complaint directly with the HR department.

C. *Harassment and Sexual Harassment*

1. Policy

IAIA seeks to provide a work environment free of all harassment. IAIA policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics and family history, marital status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Harassment or sexual harassment of any IAIA employee including supervisors and managers, as well as vendors, contractors, customers, students or volunteers or any other persons is strictly prohibited.

This policy also prohibits retaliation against any employee who files a complaint, grievance or discrimination charge with IAIA or federal or state organizations designated to accept discrimination complaints. This policy and reporting procedure apply equally to any report of retaliation.

2. Definitions

Sexual harassment is defined as unwelcome verbal or physical sexual advances, requests for sexual favors, sexual flirtations or gestures, sexually related comments or joking, uninvited physical contact or touching, such as patting, pinching or constant brushing against another's body; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double-entendres, or jokes; visual displays or communication in any media type, (i.e. Email, text messages, IMs) such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures; and any harassing conduct to which an employee would not be subjected but for his/her sex. This definition also applies to any such comments based on any category protected by anti-discrimination laws and to any claim of retaliation.

Verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to or rejection of such conduct is used explicitly or implicitly as a condition for employment related decisions, or
2. the purpose or effect of such conduct is to interfere unreasonably with the work performance of the person being harassed, or
3. the purpose or effect of such conduct to a reasonable person creates an intimidating, hostile, or offensive work environment.

In addition, all employees are prohibited from harassing other employees or students by virtue of intimidation, abuse of authority, creating a hostile work environment, undue influence, verbal or physical threats or abuse, and misuse of staff, if such actions are based on the employee's or student's characteristics as described in C 1. above.

3. Reporting Procedure

If you believe that you have been unlawfully harassed, or discriminated or retaliated against, or if you have observed conduct believed to be harassing, discriminatory or retaliatory, bring your complaint to your own or any other IAIA supervisor, the President or the HR Director as soon as possible after the incident. You will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory. Supervisors will refer all harassment complaints to the HR Director or the President of IAIA. IAIA will immediately undertake an effective, thorough and objective investigation of the harassment allegations.

If IAIA determines that unlawful harassment has occurred, prompt remedial action designed to stop the harassing behavior will be taken in accordance with the circumstances involved. Any employee determined by IAIA to be responsible for unlawful harassment will be subject to appropriate corrective action, up to, and including termination. The HR Director, President or designated authority will advise all parties concerned of the results of the investigation, but may not be able to release a written report to the complainant.

4. Confidentiality and Non-Retaliation

Confidentiality will be maintained to the extent possible, consistent with the need to conduct an investigation and take remedial action. IAIA will not retaliate against you for filing a complaint, or participating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers. Any person found to have retaliated against another individual for reporting harassment will be subject to appropriate corrective action, up to and including termination. An employee who believes that they have been subject to retaliation must follow the reporting procedures in this section.

5. Frivolous and Malicious Allegations/Complaints

If any fact finding body determines that a harassment allegation is frivolous, the complainant will be counseled and the complaint dismissed. A frivolous complaint or allegation is characterized as lacking seriousness or sense; or lacking serious purpose. If it is determined that a harassment complaint is malicious, the complainant will be subject to disciplinary action. A malicious complaint or allegation is characterized by showing malice, malevolent, vicious, wanton, or mischievous in motivation or purpose. Repeated filing of frivolous complaints will be considered a malicious action, and handled by appropriate disciplinary procedures. The failure to substantiate a harassment charge does not automatically constitute a frivolous or malicious act.

D. Americans With Disabilities Act (ADA)

1. Policy

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, IAIA will make reasonable accommodations for the physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship to IAIA would result. IAIA makes every effort to accommodate employees with disabilities within their current position and engages in an interactive process with the employee to determine the most appropriate accommodation available that would not impose an undue hardship upon IAIA.

2. Definitions

The term "disability" means, with respect to an individual:

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;

2. a record of such an impairment; or
3. being regarded as having such an impairment.

In general, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

3. Reporting Procedure

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the HR Director and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. IAIA then will assess the accommodation request, may propose a different form of accommodation, or may request the employee to submit to an independent medical exam at IAIA’s expense. If, after completing the interactive process with the employee, IAIA concludes that the accommodation is reasonable and will not impose an undue hardship, IAIA will make the accommodation.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to your supervisor or the HR Director. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the HR Director. IAIA will immediately undertake an effective, thorough, and objective assessment and attempt to resolve the situation, if warranted.

If IAIA determines that unlawful discrimination has occurred, prompt remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. IAIA will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers. Employees must follow the process set out in this Manual to file a retaliation complaint.

E. Employee Protection (Whistleblower) Policy

If any employee reasonably believes that some policy, practice, or activity of IAIA is in violation of law, a written complaint must be filed by that employee with the Human Resources Director, or President. Any employee filing a complaint is protected from retaliation under this policy.

It is the intent of IAIA to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization’s goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of IAIA in advance of any disciplinary action and provides IAIA with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

IAIA will not retaliate against an employee who in good faith, has made a protest or raised a complaint against some practice of IAIA, or of another individual or entity with whom IAIA has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

IAIA will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of IAIA that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

V. EMPLOYMENT, HIRING, SELECTION POLICIES

It is IAIA's policy to further equal employment opportunity (EEO) for all applicants and employees. All activities related to employment, including recruitment, hiring, and selection shall be administered in a manner consistent with the EEO policy. If an applicant or employee believes that he or she has been discriminated against through the application of these policies, a complaint may be filed in accordance with section IV of this Manual.

A. Employment At Will

IAIA staff is employed on an at-will basis. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or IAIA. Nothing in this Policy and Procedure Manual shall limit the right to terminate at-will employment. No manager, supervisor, or employee of IAIA has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the President of IAIA has the authority to make any such agreement, which is binding only if it is in an integrated writing signed by both the employee and the IAIA President.

B. Recruitment, Hiring, and Transfers

IAIA's basic employment objective is to hire and appoint employees into positions where they can make the most effective contribution to the mission of IAIA. The President is the employing authority for IAIA, and the President approves or disapproves employment action requests by other administrators. No request to hire or change employment status, including but not limited to promotion, termination, pay increase/decrease, and transfer, will take effect without the prior written approval of the President. All such applications must be submitted to HR, which will then forward them to the President for final decision accompanied by HR's related recommendations.

When a vacancy occurs, the appropriate supervisor and the HR Director will develop and implement appropriate recruiting and/or selection measures to identify the most qualified candidate.

C. Relocation Expenses

With the President's prior written approval, IAIA may authorize a moving allowance or reimbursement of moving expenses to an individual who has accepted employment at IAIA. A moving allowance is a non-interest-bearing loan which will be required to be repaid over a one-year period. As a condition of employment, the new employee will be required to sign a loan document prior to disbursement. Repayment of the loan will be made through payroll deductions. If an employee does not pay off the loan prior to separation from employment, the balance will be deducted from the employee's final paycheck or appropriate action will be taken by IAIA to recover the debt. The defined terms of reimbursement of moving expenses will be made by the President on a case by case basis.

D. Employment of Minors

Employees must be 18 years of age or older. IAIA may hire students or others who are younger than 18 into work/study or other temporary positions. Work permits may be needed. The HR Director must be informed, in advance, of the hiring of any individual below the age of 18 for any position.

E. Required Documentation

IAIA requires that all employees hired, previously or otherwise, provide the HR Department with certain documentation regarding their credentials, including but not limited to certified copies of transcripts (if

the position requires a college degree or other certification), tribal affiliation certification (if the employee claims to be Indian) and proof of identification and eligibility to work in the United States. Falsification of employment credentials, experience, education or similar information is grounds for immediate termination or for refusal to further consider an applicant for employment.

F. Background Checks

Applicants being considered for employment with IAIA may be subject to reference checks and background investigations into their work history, education history, professional work experience, driver's license and driving history record, and criminal history. Each applicant who is being considered for employment will be subject to a criminal reference and background investigation as a condition of further consideration for employment. Applicants being considered for positions with access to or responsibility for money will be subject to a credit history check. An applicant is required to sign a consent to conduct reference checks with prior employers and criminal enforcement agencies.

All offers of part-time or temporary employment to applicants who will have direct student contact are contingent upon the satisfactory completion of background investigations. A criminal conviction will not automatically restrict an applicant from obtaining employment with IAIA but may be the basis for refusing employment.

IAIA may also conduct a background investigation of a current employee if it becomes aware of facts, circumstances, or conduct that give rise to a reasonable belief that undisclosed aspects of the employee's background might disqualify him/her to continue employment with IAIA.

The HR Department will have the authority and responsibility for managing criminal history investigations of employees.

G. Access and Review of Employment Records

IAIA maintains employment records on all employees which may include, but are not limited to: job applications, performance reviews, change of status records, commendations, corrective action warnings, reprimands or other disciplinary documents, and educational attainment records. An employee may inspect his/her own records in the presence of HR Department staff during regular business hours and by appointment only. Copies of certain documents are available at a cost equal to IAIA's regular copying cost.

Access to employment records is restricted to authorized persons, such as the President, HR Department staff, supervisors, managers, and others such as IAIA auditors or attorneys, on a "need to know" basis.

All Employees are responsible for notifying the HR Department of any changes in address, telephone number, and/or change in family status (births, marriage, death, divorce, legal separation, etc.).

Employment records are considered proprietary IAIA information. Therefore, IAIA reserves the right to deny access, to keep a record of information copied, and to keep a record of which employees have accessed personnel files.

H. Release of Employment Information

Outside organizations or individuals, including but not limited to banks, mortgage companies, prospective employers or human resource agencies, requesting information concerning an employee's file, including requests for references on current and former employees, must be directed to the HR Department. The HR Department will provide only the following information when requested: dates of hire and separation; and most recent job title. The HR Department will not verify employee salaries or

provide information other than that identified herein, without the written consent of the employee, unless otherwise required by law.

I. Employment of Relatives – Nepotism

IAIA may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create possible conflicts of interest. Direct contractual agreements with IAIA are also subject to these restrictions.

One relative may not supervise another relative. No relative can be employed in the same department as another relative, nor may two family members have the same supervisor, without prior approval of the President of IAIA, which would be granted only so long as separate supervisory chain of command could be maintained. Additionally, a relative may not work with or have access to sensitive or confidential information regarding another relative through IAIA.

A relative is defined as a current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild; aunt, uncle, or mother-, father-, sister-, brother-, son-, or daughter-in-law.

If two employees marry, become registered domestic partners, or become related, causing actual or potential problems such as those described above, only one of the employees will be retained with IAIA, unless reasonable accommodations can be made to eliminate the actual or potential problems. The employees will have 30 days to decide which relative will stay with IAIA. If this decision is not made within the time allowed, the president of IAIA will make the decision, taking the employment history, needs of the organization and job performance of both employees into account.

J. Contractors, Temporary and Term Staff

Contractors: Individuals or business entities that perform labor or services to IAIA pursuant to a contract that outlines the responsibilities and legal requirements of the contractor. Independent contractors are not employees of IAIA. As an independent contractor, no payroll withholdings are deducted, and a 1099 form is sent to the IRS at the end of the calendar year reflecting IAIA's payments to the contractor.

Temporary Staff: Temporary staff is hired to fill a temporary need, not to exceed a six month assignment, including but not limited to filling in for a regular employee on approved leave. Temporary staff may work a full-time or part-time schedule, and will have all applicable payroll withholdings deducted.

Term Staff: Term staff is hired under written agreements outlining the terms, conditions, and their inclusive dates of employment, and will have all applicable payroll withholdings deducted. Term staff includes, but is not limited to, individuals who are employed through grants, sponsored research funds, donations, trust funds or other similar types of "soft money".

Contractors, Temporary Staff and Term Staff are not entitled to continued employment or re-employment, leave benefits, insurance benefits, or to file grievances pursuant to IAIA Grievance Procedure, except for any complaint filed under EEO law, retaliation, or ADA policies. All Contractors, Temporary Staff and Term Staff will be subject to the Background Check Policy.

K. Job Descriptions

Job descriptions are used to aid in staffing, wage and salary administration and training. They also help staff and supervisors communicate job functions and responsibilities. All staff job descriptions and any changes to them must be made by the supervisor and reviewed by HR prior to submission to the President for approval. All staff should receive a copy of their job description.

From time to time, staff may be called upon to perform duties and handle responsibilities that are not part of their normal job descriptions. If, after six months, the new duties and responsibilities remain a significant part of the assignment, the job description may be changed.

L. Transfers

The President may transfer and reassign staff to other departments when the President determines it is in the best interest of IAIA. Staff may request transfers to similar or substantially similar positions within IAIA when vacancies occur. These requests may be granted if the receiving supervisor agrees and the President approves. Transfers do not affect years of service to IAIA or accumulated benefits.

M. New Hire Period

The first six months of continuous employment with IAIA is considered a New Hire Period. During this time you will learn your responsibilities, get acquainted with fellow employees, and determine whether or not you are happy with your job. Your supervisor will closely monitor your performance. Unsatisfactory during your New Hire Period could result in extension of the New Hire Period or termination.

N. Promotions

IAIA prefers to promote from within those individuals who have demonstrated capability, experience and the ability to assume greater responsibility; however, IAIA reserves the right to recruit and hire from outside IAIA to attract the most qualified individual for a particular opening. This may mean that IAIA selects an external candidate over a current IAIA employee.

IAIA will strive to post all current job openings on the HR Department's bulletin board or IAIA website, along with application procedures, and may also seek applicants for vacancies through outside recruiting sources or general publications.

VI. COMPENSATION POLICIES

A. *Employee Classification, Status & the Fair Labor Standards Act (FLSA)*

1. Definitions

To understand how compensation decisions affect you, it is important for you to know your employment status, as described below:

Nonexempt (hourly): are employees who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA). They receive overtime pay for overtime worked at a rate of time-and-a-half for hours worked in excess of 40 hours per week. They are paid on an hourly basis and are entitled to overtime pay and will be paid in accordance with federal and state law.

Exempt (salaried): are employees whose positions meet specific exemption tests established by the Fair Labor Standards Act (FLSA) and by applicable state law. These employees are "exempt" from the overtime provisions of the FLSA, thus they do not receive overtime pay for overtime work.

Full-time Regular (30 Hours per week): are those employees who are regularly scheduled to work 30 hours per week and 52 weeks per year. Full-time employees are eligible to participate in applicable benefit programs. Benefits eligibility may be impacted by unpaid leaves of absence. Please refer to the Benefit Section.

Part-time (less than 30 hours per week): are those employees who are regularly scheduled to work less than 30 hours per week. Part-time staff are not eligible for IAIA leave or other benefits except as required by law.

Every IAIA position must be designated as exempt or nonexempt for purposes of compliance with the Fair Labor Standards Act and other federal wage and hour laws. If an employee or supervisor has a question concerning whether a position is exempt or nonexempt, he/she should contact the HR Director.

2. Overtime

Nonexempt employees will be paid time and one-half for authorized hours actually worked in excess of forty hours in one workweek (12:00 AM Saturday through 11:59 PM Friday); employees required to work on a holiday will receive double pay. While IAIA makes every effort to accurately record overtime hours, it is the employee's responsibility to know if they qualify for overtime compensation.

The employee's immediate supervisor must authorize all overtime work by nonexempt employees in advance. The reasons for the overtime worked must be noted accurately on timesheets. Paid holidays, sick leave, vacation leave, and administrative leave are not considered as hours actually worked and are not used in the calculation of overtime pay.

3. Compensatory Time Off

Nonexempt Employees: In compliance with the State of NM labor law, IAIA does not authorize compensatory time off in lieu of overtime pay for nonexempt employees. Employees who qualify for overtime pay will be paid for that overtime as required by federal and state wage and hour laws.

Exempt Employees: Exempt employees are expected to work the amount of time necessary to perform their job duties without receiving additional compensation.

B. Work Hours

Normal business hours of IAIA are from 8:00 a.m. to 5:00 p.m. Monday through Friday. Because of the variety of functions of the many departments within IAIA, there may be differences in work hours and days of work among employees. The Dean and directors are responsible for establishing work schedules appropriate to the mission of their respective departments. Supervisors may, with the President's approval, reduce, increase or change work schedules to accommodate workloads, budget constraints or other circumstances. An increase or decrease in the number of hours worked by an employee will result in changes to benefits and time off eligibility (see Benefits and Time Off). An employee must have prior written permission from his/her supervisor to work at home.

C. Time Sheets

The Time Sheet is a legal record of the hours an employee worked, and IAIA's payroll and records of leave used are based on the time recorded. Employees are responsible for turning in an accurate Time Sheet (TLO) on every other Friday to their supervisor for signature and then to the Payroll Department for processing; however, special arrangements are made for the reporting of faculty time.

D. Pay Periods, Pay Day and Automatic Deposits

IAIA has established 26 pay periods throughout the year, at two-week intervals. The payroll week runs from Saturday of one week through Friday of the following week. Payday is every other Friday. Employees are responsible for checking their paychecks for discrepancies. Employees have 30 days to report sick and vacation discrepancies from the day the discrepancy appeared on a paycheck.

Employees may have their regular payroll automatically deposited into their bank accounts. The HR Department should be contacted to assist in making arrangements for these deposits.

E. Break Periods

Although NM State Law only requires a half-hour break for any employee who works five (5) contiguous hours, an employee may take a ten minute break in the morning and in the afternoon, as work requirements or supervisor allow. Break periods do not accrue and may not be used in lieu of sick or annual leave. Breaks cannot be taken at the beginning or end of a workday to shorten the workday. The employee lunch period may be up to one hour. The scheduling of employee lunch periods and breaks is determined by the supervisor. Employees are entitled to a meal break of at least thirty minutes after five hours of work. Meal breaks are to be taken away from the employee's work station.

F.

G. Breastfeeding Breaks

As part of our family-friendly policies and benefits, IAIA supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday. For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her newborn. IAIA has designated a room on the first floor of the CLE Health Clinic for this purpose. Nursing Mothers should request access to the room from the Facilities Department.

Breaks of more than 30 minutes in length will be unpaid, and the employee should indicate this break period on her timesheet.

H. Garnishments

A garnishment is a court order which requires IAIA as an employer to withhold a specified sum of money from an employee's wages. This money is then disbursed to the court-designated party. IAIA's compliance with a garnishment order is required by law. State law also requires that an employee must be paid at least minimum wage for all hours worked. Thus, an employee's wages will not be garnished below the prevailing minimum wage rates.

I. Cost of Living and Other Salary Adjustments

Cost of living adjustments of a certain percentage may be authorized for all IAIA regular faculty and regular staff on an annual basis at the discretion of the President and subject to budgetary constraints. The President may authorize other types of salary adjustments, which may be either increases or decreases, as he/she deems appropriate in the circumstances. All salary adjustments must be approved by the President.

J. Travel Policy and Mileage Expense Reimbursement

IAIA reimburses employees for reasonable travel expenses incurred while on approved and official IAIA business upon presentation of valid receipts if the travel and expenses are consistent with IAIA's overall mission, within budgetary limitations, are cost effective and in compliance with IAIA's Travel Guidelines, which are available in the Finance Department. The President must approve travel in advance.

IAIA vehicles are to be used for official IAIA business only. If employees must use their own personal vehicle for official business, reimbursement at the current rate and manner as defined by IAIA will be made. (If IAIA provides transportation to an event and employees choose to drive their personal vehicle, then employees will not be reimbursed for mileage.) Exact procedures are available from the Finance Department.

K. Deductions from Paycheck

IAIA has not provided an exhaustive list of the items that may be deducted from an employee's paycheck. IAIA strives to ensure that any and all deductions from an employee's paycheck conform to all wage and hour law requirements. If an employee has a question about a deduction, he or she should contact the HR department immediately. For those employees classified as exempt under FLSA, the employee must notify the HR department immediately if he or she disagrees with any unpaid leave noted on his or her paycheck or if he or she believes there has been any improper deduction.

VII. TIME OFF POLICIES

The following leave benefits are available to regular staff employees.

A. *Vacation Leave*

Employee Type	Hours Worked Per Week	Years of Service	Hours Earned Bi-Weekly	Hours/Days Earned Annual	Max Amount for Carry Over to next year
FT - Regular Staff	40	Hire Date up to 5 years	4.615 Hours	120 hours (15 days)	120 hours
PT - Regular Staff	30 - 39	Hire Date up to 5 years	Pro-rated	Pro-Rated	Pro-Rated Annual
FT - Regular Staff	40	Greater than 5 years	6.154 Hours	160 hours (20 days)	160 hours
PT - Regular Staff	30 - 39	Greater than 5 years	Pro-rated	Pro-Rated	Pro-Rated Annual

Staff does not earn or accrue vacation leave when on FMLA leave, unpaid administrative leave, military leave, extended unpaid medical leave, or domestic violence leave. Up to forty (40) hours of vacation leave may be taken in advance of earning the leave, with the prior written approval of the employee's supervisor; however, if the staff member's employment with IAIA ends for any reason before he/she has earned enough leave to cover the amount of leave taken, that amount will be subtracted from the staff member's last paycheck. Vacation leave is not used in the calculation of overtime.

Vacation hours in excess of the total carryover amount will be forfeited unless used by January 15.

Selection and duration of vacation leave days are subject to the prior approval of the staff member's supervisor. Vacation leave of more than five continuous business days must be requested in writing at least thirty (30) days in advance to accommodate staffing needs. Supervisors will state the reason(s) in writing for disapproving leave on the staff member's leave request form within five (5) calendar days of receiving the request.

Upon separation from employment at IAIA, a regular staff member will be paid for unused vacation leave, but not to exceed the staff member's maximum annual earned vacation based on tenure. Upon separation the maximum vacation payout for a staff member with five (5) years or less of tenure is 120 hours; and the maximum vacation payout for a staff member with more than five (5) years of tenure is 160 hours. Any negative amounts of vacation leave (i.e., vacation leave used before it is earned) will be deducted from a separating member's last paycheck.

B. *Holidays*

Regular staff, except those engaged in continuous operations, is excused from work on the ten paid holidays observed by IAIA each calendar year. Employees not regularly scheduled to work on the day the holiday(s) fall(s) may be compensated with consecutive equal days off scheduled within two weeks after the holidays as approved by their supervisor. A paid holiday does not count as a day worked in calculating overtime for the week or for accrual of FMLA hours of work. Employees not regularly scheduled to work on the day the holiday falls are not paid for the holiday.

<u>Holiday Date</u>	<u>Usually Observed</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day(s)	Fourth Thursday and Friday
Christmas Eve	December 24
Christmas Day	December 25

If one of these holidays falls on a Sunday, the following Monday will be observed as the holiday. If the holiday falls on a Saturday, the preceding Friday will be observed as the holiday. The President may declare additional holidays, as he/she deems appropriate.

If a holiday falls during any staff member's vacation leave period, the holiday will not be counted as vacation leave taken.

Eligible staff will be paid their normal rate of pay for any holidays worked. If a nonexempt staff member is required to work on a holiday (or portion thereof), the staff member will be paid double time for the entire day. If an exempt staff member is required to work on a holiday (or portion thereof) they will be awarded an additional vacation day.

C. Sick Leave

Sick leave is a benefit that staff employees accumulate in order to provide a cushion for incapacitation due to illness. Sick leave is to be used for a staff member's own personal illness or accident, care of a sick immediate family member and for preventative visits to doctors, dentists, optometrists, or other licensed health care providers. "Immediate family member" is defined to include only a spouse or domestic partner, child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, uncle, aunt, nephew, niece, daughter-in-law, son-in-law, brother-in-law, sister-in-law, mother-in-law or father-in-law.

IAIA will not tolerate abuse or misuse of sick leave privilege. Misuse or abuse of sick leave is grounds for corrective action, up to and including termination. Sick leave is not used in the calculation of overtime. At the time of separation from employment at IAIA, any unused accrued sick leave is not compensable and nor may it be transferred to any other person.

Employee Type	Hours Worked Per Week	Hours Earned Bi-Weekly	Hours/Days Earned Annually	Max Amount for Carry Over to next year
Regular Staff	30+	3.692 Hours	96 hours (12 days)	No Cap

After the first month of employment, regular staff is eligible to use the sick leave benefit as it is accrued, and thereafter, up to forty (40) hours of sick leave may be taken in advance of it being earned with the prior written approval of their supervisor.

IAIA may require a staff member to provide written medical certification to support a request for sick leave after three (3) consecutive days of illness or disability, or after repeated absences. The written certification must be signed by a medical doctor, doctor of osteopathy, clinical psychologist or other generally recognized health care provider, and must include the date the need for in-patient care or

continuing treatment by a health care provider was determined; a statement as to the staff member's ability to perform the essential functions of the job; the probable duration of the leave and anticipated return date; and the dates of any treatment to be provided on an intermittent or reduced leave basis.

To use sick leave, a staff member must submit prior written notification to his/her supervisor or notify the supervisor as soon as practicable. Sick leave in excess of forty (40) hours taken prior to accrual will be charged as leave without pay. Staff members whose duties require their uninterrupted presence may be temporarily replaced, according to the guidelines of their department.

If an employee's description of their illness or injury triggers the FMLA provisions, IAIA will provide the employee with FMLA information regarding their rights and responsibilities. In these circumstances the employee or supervisor should contact the HR department for assistance.

Upon separation from employment, regular staff will not be paid for any unused sick leave. Any negative amounts of sick leave (i.e., sick leave used before it is earned) will be deducted from a separating regular staff member's last paycheck, subject to any prohibitions under FLSA. Unused sick leave may not be bequeathed or donated.

D. Return to Work

Staff members on disability or medical disability leave of absence must return to work when their physician or an IAIA appointed physician determines they are able to resume normal duties. IAIA requires that a physician's release be submitted to the HR department before the employee may be reinstated. If an employee wishes to extend leave beyond this point, he/she must apply for a leave of absence.

A physician's release may also be required to be submitted to the HR department when returning to work from sick leave or other short-term, medically related absences.

E. Domestic Violence Leave

Employees who are victims of domestic violence are eligible for up to 14 days of leave per calendar year. Employees may use any annual, personal, or sick leave to cover the absence from work. If no paid leave is available the leave will be unpaid.

You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety, or welfare, or that of your child or a child for whom you are a legal guardian, or for whom you are acting "in loco parentis".

You must provide timely notice and certification to your supervisor of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee or a dependent child was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- A statement from the employee's attorney that they are pursuing an order of protection; that they are relocating themselves and/or their children; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence (If eligible, and the criteria for Family Medical Leave are met, employees will be placed on FMLA leave concurrently).

IAIA will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision. However, the safety and security of the IAIA community is paramount. Any employee who has obtained a restraining order, or otherwise has reason to believe that their safety may be threatened by an individual or individuals, has an obligation to disclose this information immediately to the Director of HR or their designee.

F. Bereavement

For the death of his/her immediate family member, a regular staff member or regular faculty member may take up to four (4) working days, with pay, to handle family affairs and attend the funeral.

"Immediate family member" is defined as a spouse or domestic partner, child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, uncle, aunt, nephew, niece, daughter-in-law, son-in-law, brother-in-law, sister-in-law, mother-in-law or father-in-law. Ineligible bereavement must be taken from vacation time or be unpaid.

G. Jury Duty or Court Leave

A regular staff member or regular faculty member who is subpoenaed or summoned to appear or serve during regularly scheduled work hours as a juror in a judicial forum or compelled to appear before a judicial, legislative, or administrative body with power to compel such attendance will be entitled to receive leave with pay for a period of time necessary for such service or appearance.

Any Compensation received for the service or appearance, other than travel and meal allowances, will be reported to IAIA and deducted from any salary paid by IAIA for such leave. The staff member must contact his/her supervisor or the HR Director promptly after receiving notification to appear, and present a copy of the jury summons or subpoena. The faculty member must contact his/her Department Chair (or the Dean for leave requested by Department Chairs) or the HR Director promptly after receiving notification to appear, and present a copy of the summons or subpoena.

Leave will not be granted to appear as an expert witness or as a party to litigation.

H. Time Off To Vote

Employees registered to vote will be granted up to two (2) hours paid leave to vote in a national, state or local election. The leave must be taken during the time the polls are open. The employee's supervisor may specify the hours of leave. This leave will not be granted to any employee whose workday begins more than two hours after the polls open or ends more than three (3) hours before the polls close.

I. Paid Military Leave for Reserve or National Guard Activities

Paid military leave will be granted for authorized reserve or National Guard activities for a maximum of fifteen (15) working days during a one-year period. Military leave must be requested twenty days in advance, and the staff or faculty member must furnish proof of duty orders and other documentation prior to leave being granted, unless the leave is for emergency purposes. The amount of military pay received by the staff or faculty member will be deducted from his/her salary. Temporary staff and faculty are not entitled to leave with pay, but will be granted leave without pay for such service.

J. Unpaid Military Leave

Regular staff or faculty serving on active duty for more than 15 days will be placed on leave without pay. The staff member taking military leave will not be required to first exhaust his/her vacation and sick leave.

Staff or Faculty Returning from Unpaid Military Leave

A regular staff or faculty member who leaves a position he/she has held with IAIA to enter the armed forces of the United States, national guard or organized reserve, and who serves on active duty and is honorably discharged or released from active duty to complete his/her remaining service in a reserve component, and who is still qualified to perform the duties of IAIA position previously held, will be re-employed in such position or in a position of like seniority, responsibility, status, and pay. IAIA follows all applicable provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). If the Manual conflicts in any respect with USERRA, it is USERRA which will control.

To be re-employed in that position, the staff or faculty member must make application for re-employment within ninety (90) days after he or she is relieved from training or duty, or from hospitalization continuing after discharge for a period of not more than one (1) year.

The returning staff or faculty member will be deemed to have accrued seniority and length of service rights as though his/her employment with IAIA had been continuous since the date of initial employment.

The returning staff will have all vacation and sick leave accrued at the time of his/her departure for military service, unless it is used during the absence. The returning faculty member will be deemed to have accrued seniority and length of service rights as though his/her employment with IAIA had been continuous from the date of initial employment.

Employees who wish to serve in the military and take military leave should contact Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

K. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 workweeks of unpaid family/medical leave (including intermittent leave) within a rolling 12-month period. Eligibility for FML is only under the following conditions:

1. The employee must have more than 12 months of service.
2. And the employee must have worked at least 1,250 hours during the previous 12-month period before the need for leave.
 - Worked hours do not include any hours that are not work hours such as sick, vacation, holidays, bereavement, FML, paid or unpaid leave, domestic violence leave, etc.

FMLA leave may be taken for any one, or combination of, the following four (4) reasons:

- the birth of the employee's child or to care for the newborn child;
- the placement of a child with the employee for adoption or foster care or to care for the newly placed child;
- to care for the employee's spouse, child or parent (but not in-law) with a serious health condition, per FMLA; and/or

- the employee's own serious health condition, per FMLA (that makes the employee unable to perform one or more of the essential functions of his or her job).

Qualifying Exigency for Active Service Employees and Family Members

Recent amendments to the FMLA also grant additional leave to eligible employees who have served in the military, returning veterans and who have covered family members activated for service in a foreign country or returning from service in a foreign country. These two categories of FMLA leave include:

- Qualifying exigency family leave -- employees who have a spouse, parent, or child who is a regular member or the armed services, a member of the Reserves or a National Guard member and has been called to active service in a foreign country, or the call or impending call to active duty in support of a contingency operation in the Armed Forces may take up to 12 workweeks of FMLA leave yearly when they experience a “qualifying exigency”. *For example*, IAIA employee’s husband is heading to Afghanistan in support of a contingency operation. His absence will require that his elderly mother, who is incapable of self-care, be placed in a nursing home. The IAIA employee is entitled to a “qualifying exigency” leave to help make these arrangements. If the IAIA’s employee’s own mother is being placed in a nursing home, the IAIA employee is not entitled to a “qualifying exigency”.
- The rest and recuperation period is 15 days. There are also special rules and protected time off periods for employees who were airline flight crew technical support members.
- For service members on active duty or returning veterans, the FMLA counts the hours of work as the number of hours an employee would have worked absent military service.
- A covered veteran is one who was discharged or released for reasons other than “dishonorable” within the five years preceding the day that the IAIA FMLA leave for the veteran’s serious injury or illness would begin. There are periods of exclusion for covered veterans. A covered veteran’s rating for disability purposes may be used to qualify for a serious medical condition. A veteran’s preexisting injury or illness aggravated during the course of military service may also qualify as a serious medical condition.
- Military caregiver family leave -- employees who are the spouse, parent, child, or next of kin of a service member who suffered a serious injury or illness on active duty in the Armed Forces may take up to 26 workweeks of leave (including regular FMLA leave) to care for the service member in a single 12-month period.

This policy is adopted to implement the federal Family and Medical Leave Act of 1993 (FMLA), and as amended, pursuant to the terms, conditions, and limitations of the Act. **In the event of any conflict between the provisions of this or any other leave policy of IAIA and the provisions of the FMLA, the FMLA supersedes.**

The 12-month period within which each employee may take twelve (12) workweeks of leave or the equivalent of 480 hours under the FMLA will be a "rolling" 12-month period, measured backward for each employee from the first time he/she uses leave under the FMLA.

A "serious health condition" per the FMLA is defined as an illness, injury, impairment, or physical or mental condition that:

- a) requires in-patient care in a hospital, hospice, or residential medical care facility; or
- (b) requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three days; or
- (c) involves pre-natal care.

A "serious health condition" does not include routine physical examinations or voluntary cosmetic treatments, unless inpatient care is required.

1. Leave Requests and Notice Procedure

To ensure compliance with securing the control and privacy of patient health information (HIPPA); an employee seeking FMLA leave must submit a written request to the HR Department explaining the reasons for the leave.

The HR Department will provide the requesting employee with the forms, which will identify whether the requested leave is covered by the FMLA. The requesting employee is provided with notice of their rights and responsibilities under FMLA.

The requesting employee has fifteen (15) calendar days to complete all the FML forms, in order to be granted FML approval in a timely manner; otherwise FML may not be granted.

If an employee requests leave for treatment of his/her serious medical condition or for that of a child, parent, or spouse, the employee **must make a reasonable effort** to schedule the treatment at a time that is not unduly disruptive to his/her duties to IAIA.

An employee seeking leave for a foreseeable reason such as the birth, or foster care placement of a child, or for planned medical treatment; will provide IAIA with at least thirty (30) days advance notice of the leave.

If an employee's notice is less than thirty (30) days, the employee must schedule an appointment with the HR Director for approval.

In emergency circumstance where a thirty (30) day advance notice is not possible; the employee per FML must be given notice by IAIA of his/her FML rights and responsibilities within five (5) days of the qualifying medical emergency. *And* equally: In the case of a premature birth, the employee must notify IAIA within five (5) calendar days of the day the employee learns of the need for leave. An employee who fails to give notice of leave as required herein may be denied such leave until the notice requirements are met.

All requests for FMLA leave require the approval of the HR Director in collaboration with the employee's supervisor.

2. Certification

An employee seeking leave on the basis of the serious medical condition of him/herself or his/her spouse, son or daughter, or parent, must provide certification completed by the health care provider of the employee or of the employee's spouse, son or daughter, or parent, within fifteen (15) calendar days and stating:

- a. the date the condition began,
- b. its probable duration,
- c. appropriate medical facts, and
- d. that, for a specified time, either: the employee is unable to perform his/her job functions or will be unavailable to do so while receiving necessary medical treatment; or, the employee will be needed to care for the sick family member.

Failure to provide medical certification will result in denial of FMLA leave. If IAIA determines the medical certification is inadequate, IAIA may require the employee to seek the opinion of a second health care provider, who is not regularly employed by IAIA, at IAIA's expense.

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider.

HR will notify the employee that leave has been designated as FMLA leave. IAIA may provisionally designate the employee's leave as emergency and retro FMLA leave if HR has not

received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave.

If the employee is absent with an FML-qualified event; and wants that time to be FML-protected; and has not notified HR of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the HR Director within five (5) calendar days of the employee's return to work that the leave was for an FMLA reason. In this circumstance as well, an employee has fifteen (15) days from the date of the request to submit a medical certification to support their request under FMLA.

3. Spouses Employed by IAIA

Spouses employed by IAIA are limited to a combined total of twelve (12) workweeks (or 480 hours) per year for the birth or placement of a child, or to care for a parent. However, for other covered leaves, such as to care for a spouse or child, or for the treatment of the employee's own serious health condition, each spouse may take up to twelve (12) workweeks a year.

4. Intermittent Leave

Intermittent leave and reduced work schedules may be allowed if medically necessary.

However, an employee may not take intermittent leave or go on a reduced work schedule that reduces the number of hours worked per week or per day for childbirth/infant care or adoption leave, unless such leave is necessitated by a serious medical condition.

If any eligible employee requests intermittent leave or leave on a reduced work schedule to care for a seriously ill family member or for the employee's own serious health condition, and the need for leave is foreseeable based upon planned medical treatment:

- the employee may temporarily be transferred to an available alternative position with equivalent pay and benefits, or
- if the employee is qualified for the position and the position better accommodates recurring periods of leave than the employee's regular job.

Intermittent leave under FMLA **does not** count as hours worked for overtime purposes.

When an exempt employee is on approved intermittent FML, the "salary basis test" in the Federal Labor Standards Act (FLSA) is not applicable. As a result, an exempt employee who is on intermittent FML is compensated only for hours worked. Therefore, the exempt employee will use hours from available paid leave balances to account for a full eight (8) hour day. If the exempt employee has no paid leave balances the authorized intermittent FML hours will be unpaid.

An employee on intermittent leave will have his/her vacation leave accrual pro-rated for the duration of the intermittent leave. The accrual rate of paid sick leave is not affected by FML.

5. Use of Available Paid Leave Required During FMLA

The federal FMLA leave guidelines state it is unpaid. However, an employee who qualify for FMLA Leave must utilize any available paid leave he/she have accrued under another of IAIA's leave policies, i.e. accrued sick leave or vacation leave. If the requested leave period extends beyond the employee's accrued number of paid days of leave, the remaining leave days will be unpaid, but all days taken will be counted as family/medical leave.

Equally, if an employee has an accrued leave balance (sick and/or vacation), which exceeds the allowable twelve (12) workweeks (or 480 hours), IAIA is only required to provide job protection under FML which does not exceed FMLA's covered time limits.

Example (1): An employee, who is granted twelve (12) weeks of FMLA leave due to his/her own serious medical condition and inability to perform his/her job duties, has accrued three (3) workweeks of sick leave and three (3) workweeks' of vacation leave. The individual must use the six workweeks of paid sick and vacation leave for the first six workweeks of FMLA leave and thereafter the remaining six (6) workweeks of FMLA will be unpaid leave under this policy.

Example (2): An employee, who is granted twelve (12) weeks of FMLA leave due to his/her own serious medical condition and inability to perform his/her job duties, has accrued ten (10) workweeks of sick leave and six (6) workweeks of vacation leave. The individual must use the 10 workweeks of paid sick leave and 2 vacation leave for the remaining FMLA leave. Thereafter the remaining 4 workweeks of vacation leave cannot be considered as FML and is not protected under FML. IAIA will review such leaves on a case-by-case basis and determine if it can extend FML protections beyond the allowable twelve (12) workweeks.

FML and any paid leave (vacation or sick) are in effect **concurrently**. FML is unpaid and if a requesting employee's has paid leave balances, these paid leave hours will be used to pay the employee during FML, as long as there are sufficient paid leave hours.

6. Group Health Plan Coverage during FMLA

During the period of leave, IAIA will maintain the employee under the IAIA coverage group health plan, if enrolled. If the employee does not have sufficient paid leave to pay for health insurance premiums; the employee will be notified by the HR Department that he/she is responsible for continuing to pay his/her monthly portion of the premium. If an employee fails to make payment of his/her share of health insurance premiums for thirty (30) days after such payment is due, coverage of that employee for benefits may be discontinued.

If the employee fails to return to work following FMLA leave for any reason other than the continuation of the FMLA-qualifying circumstances upon which the need for leave was originally based, the employee will be required to reimburse IAIA for the cost of health insurance premiums IAIA paid to maintain coverage for the employee during the FMLA leave period. Additionally, if an employee fails to return to work following FMLA leave within two (2) days of the employee's stated return date, the absence will be treated as job abandonment and equivalent to a voluntary resignation.

7. Other Leave Benefits During FMLA

Employees will not earn vacation leave or be eligible for Workers' Compensation, COBRA or State Unemployment Insurance during the period they are on family/medical leave. However, nothing in this policy is intended to restrict an employee from making application for Worker's Compensation related to an injury that occurred at work and resulted in the serious medical condition for which the employee receives the FMLA benefit.

8. Job Reinstatement

An employee, other than a "key employee", who has taken family/medical leave, will be restored to his/her previous position or to a position of equivalent pay, benefit, and other terms and conditions of employment. Equivalency of positions will be determined on the basis of IAIA policy. A "key employee" may be denied reinstatement if it would create a substantial and grievous economic injury for IAIA. A "key employee" is one whose compensation is within the highest ten percent (10%) of the work force of IAIA and this will be stated in the employee's Job Description.

L. IAIA FACULTY LEAVE POLICIES AND PROCEDURES

Bereavement, Jury Duty/Court Leave, FMLA, and Unpaid/Paid Military Leave policies are consistent for staff and faculty members and should be referred to in section VII Time Off of the IAIA Policy and Procedure manual.

The following leave policies are specific to IAIA Faculty Members. These Policies are copied from the Faculty Policies Manual.

1. Personal Leave

Regular full-time faculty is eligible for personal leave of five (5) per academic year. Regular pro-rata faculty is eligible for personal leave in the same manner as regular full-time faculty, but on a prorated basis.

Selection and duration of personal leave days are subject to the prior approval of the Department Chair (or the Dean for leave requested by Department Chairs).

Unused personal leave will not be carried over to another academic year. If a faculty member leaves IAIA during the academic year, he/she will be paid for unused personal leave.

2. Sick Leave

Regular full-time faculty earn sick leave at the rate of one (1) day per month. Regular pro-rata faculty earns this sick leave on a pro-rated basis. After the first month of employment, faculty staff is eligible to utilize the sick leave benefit as it is accrued, and thereafter, up to forty (40) hours of sick leave may be taken in advance of it being earned. There is no limit on the amount of sick leave that may be carried over from one year to the next.

Sick leave is a benefit that faculty employees accumulate in order to provide a cushion for incapacitation due to non-work-related illness or injury. It is intended to be used only when actually required to recover from illness or injury. Time off for medical and dental appointments, mental health therapy or family counseling will be treated as sick leave. IAIA will not tolerate abuse or misuse of sick leave. Misuse or abuse of sick leave is grounds for corrective action, up to and including termination. Sick leave is not for "personal" absences.

IAIA may require a faculty member to provide written medical certification to support a request for sick leave after three days of illness or disability, or after repeated absences, such medical certification to be submitted to the HR department. The written certification must be signed by a medical doctor, doctor of osteopathy, clinical psychologist or other generally recognized health care provider, and must include the date the need for in-patient care or continuing treatment by a health care provider was determined; a statement as to the faculty member's ability to perform the essential functions of the job; the probable duration of the leave and anticipated return date; and dates of any treatment to be provided on an intermittent or reduced leave basis.

To use sick leave, a faculty member must submit prior written notification to his/her Department Chair (or the Dean in the case of a Department Chair) or notify the Department as soon as practicable. Sick leave in excess of five (5) days taken prior to accrual and non-emergency sick leave taken prior to approval will be charged as leave without pay. Faculty members whose duties require their uninterrupted presence may be temporarily replaced, according to the guidelines of their department.

Upon separation from employment, regular faculty will not be paid for any unused sick leave and such leave may not be transferred to any other person. Any negative amounts of sick leave (i.e., sick leave used before it is earned) will be deducted from a separating faculty member's last paycheck.

3. Return to Work

If faculty members are on disability or medical disability leave of absence, they must return to work when their physician or an IAIA appointed physician determines that they are able to resume normal duties. IAIA requires a physician's release be submitted to the HR department before reinstatement to the active payroll. If a faculty member wishes to extend leave beyond this point, he/she must apply for a leave of absence.

4. Voting Leave

Faculty members are generally able to vote before or after work. If a regular faculty member's work schedule is such that he/she does not have three consecutive hours of unscheduled time during an election day, he/she will be excused from duties at IAIA for a period of time, not to exceed two successive hours, between the opening and closing of the polls on the day of the election.

5. Faculty Professional Development Leave

a) Paid Leave

Regular faculty is eligible to take up to five (5) days of paid leave per academic year for purposes of professional development leave. Requests must have the prior approval of the Department Chair or Dean for faculty, or Dean for Department Chairs, with sufficient time to allow for the teaching workload to be managed. The written request must specify the purpose, plans and length of the leave. It will be submitted to the Department Chair who forwards it to the Dean. The Dean will make the recommendation to the President in light of the needs and fiscal capabilities of the Institute. The President will make a decision. The decision granting or denying the request will be in writing.

b) Unpaid Leave

A regular faculty member, who has been employed by IAIA for three (3) continuous years, is eligible for unpaid leave not to exceed one (1) year for purposes of professional development. A request for such leave should be made in time to allow for adequate administrative planning and management of teaching and other workload. The request must be in writing and must specify the purpose, plans and length of the proposed leave. The written request must be submitted to the Department Head who will then forward it to the Dean. After consultation with the Department Head, the Dean will forward his/her recommendation regarding the requested leave to the President. The Dean's recommendation must consider the financial needs and capabilities of IAIA. The President will issue a written decision approving or denying the request. During approved leave, the regular faculty member will not earn leave or other benefits and IAIA will not pay the faculty member's insurance premiums. The faculty member must pay for any insurance coverage.

VIII. BENEFITS

IAIA strives to provide a competitive package of insurance benefit programs for its eligible employees and dependents when applicable. The descriptions in this Manual are only brief summaries for your general information.

In cases where there may be a discrepancy between the Benefit Policies and the Summary Plan Description or the Plan Document of each benefit, the Summary Plan Document or Summary Plan Description will control. Contact the HR Department for more details.

There is no change to the level of benefits received by regular staff in the event that they also perform additional duties as an adjunct instructor.

A. *Married or Domestic Partners*

IAIA's benefit plan providers may require proof of marriage or domestic partnership to substantiate eligibility for dependent coverage. The definitions of marriage and domestic partnership under New Mexico state law may be obtained from the HR department. In the event that proof of relationship is requested by an insurer, such proof must be provided to HR within 72 hours of notification being provided to the employee.

B. *Insurance Benefits*

1. *Medical Insurance*

IAIA provides a comprehensive medical insurance plan for regular employees and their dependents. Employees become eligible on the first of the month following 30 days of continuous employment in a single month. The cost of the premiums is shared by the covered employee and IAIA. Details about medical insurance coverage are available in the HR Department.

2. *Dental Insurance*

IAIA provides a comprehensive dental insurance plan for regular employees and their dependents. Employees become eligible on the first of the month following 30 days of continuous employment. Employee only premiums are paid by IAIA while dependent covered is paid by the covered employee. Details about dental insurance coverage are available in the HR Department.

3. *Vision Insurance*

IAIA provides a vision insurance plan for regular employees and their dependents. Employees become eligible on the first day of the month following 30 days of continuous service. Employee only premiums are paid by IAIA while dependent covered is paid by the covered employee. Details about vision insurance coverage are available in the HR Department.

4. *COBRA*

IAIA group medical, vision and dental insurance program may be continued under circumstances described by federal law (the Consolidated Omnibus Budget Reconciliation Act or COBRA) if an employee leaves IAIA.

5. Short Term Disability, Long Term Disability and Life

IAIA provides short term disability, long term disability and life insurance benefits. Employee only premiums are paid by IAIA. Additional details about these benefits are available in the HR Department.

6. Voluntary Life & ADD

IAIA provides supplemental and voluntary LIFE and AD&D insurance for regular employees and eligible dependents. Eligible employees may enroll immediately and this benefit is a post-tax deduction. Additional details about these benefits are available in the HR Department.

7. Flexible Spending Accounts (FSAs)

The FSA allows an employee to set aside pre-tax salary dollars for allowable healthcare expenses. Premiums are pre-taxed and completely paid by employees. Employees may enroll on the first day of employment. Additional details available in the HR Department.

The existence of these employee benefits and plans, in and of themselves, does not signify that an employee will be employed for the requisite time necessary to qualify for these benefits and plans.

C. Social Security

The Federal Social Security Act covers all employees. The required percentage of an employee's salary is deducted from his/her paychecks to pay his/her portion. IAIA matches the employee's deduction dollar for dollar.

D. State Unemployment Insurance

This program is funded entirely by IAIA. The program provides weekly benefits if an employee becomes unemployed through no fault of his/her own or due to circumstances described in the law.

E. Federal Workers' Compensation

IAIA carries Federal Workers' Compensation to cover the cost of work-incurred injury or illness. The Federal Employees' Compensation Act provides monetary compensation, medical care and assistance attendant's allowances, and vocational rehabilitation. The Act also provides for the payment of funeral expenses and compensation benefits to qualified survivors of the decedent in cases of employment-related deaths. Benefits help pay for medical treatment and part of any income employee may lose while recovering. Specific benefits are prescribed by law and depend on the circumstances of each case. To be assured of maximum coverage, work-related accidents must be reported immediately to a supervisor and the HR Department, and a claim must be filed and completed in a timely manner. Federal Workers' Compensation forms are available in the HR Department. Changes in this program and reporting requirements may vary according to approved federal regulations.

F. Retirement - 403b Plan

On the pay period, after six months of continuous employment with IAIA, eligible employees will receive a contribution of 4% of their annual salary to IAIA's Plan under Section 403b of the Internal Revenue Code. In addition, IAIA will match the first 2% of an employee's contribution. An employee becomes vested in the 403b plan on the day he/she begins to participate in the program.

Employees are responsible for meeting with the 403b plan representative and enrolling in the program on or near their sixth month of employment. IAIA and employee contributions will not be retroactive for

employees who fail to meet with the 403b representative. The name of the 403b representative is available from the HR Department.

G. Tuition Waiver

Subject to IAIA's normal admission requirements and his/her supervisor's prior approval, an employee who has been employed at least six months may enroll for one (1) class at IAIA per semester tuition-free. This tuition waiver benefit is applicable for eligible employees who enroll only for undergraduate courses.

Permission may be denied in cases where the employee is on corrective action for performance issues, or when the employee's absence from work would affect the department's operation. A nonexempt employee who takes an IAIA college class will not be paid for the time he/she is attending the class. Exempt employees are expected to work the amount of time necessary to perform their job duties.

H. Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is a confidential counseling and referral service with professionally certified employee assistance providers who are experienced in a wide range of issues including relationship, conflict, family concerns, and alcohol or drug dependence.

It is a prepaid benefit:

- Available to all benefit-eligible staff, faculty and dependents
- Available to former staff/faculty who may access services up 90 days following termination
- Provides a maximum of six (6) counseling sessions per issue per problem year (which begins on the date of the first contact for the problem issue)

Although contact with EAP providers is usually voluntary, referral to an EAP provider may sometimes be required. Failure or refusal by an employee to complete the conditions of an administrative referral to the EAP will result in the implementation of the appropriate corrective action.

Communication between benefit-eligible staff/faculty, family and/or immediate household member and the EAP counselor is completely confidential.

Information on how to access the EAP benefit is available in the Human Resources Department.

I. Employee Use of IAIA Fitness Center

IAIA wishes to promote the health and well-being of its employees. Therefore all full-time and part-time employees are allowed to use the IAIA Fitness Center.

J. Reimbursement for Fitness Activities

IAIA will reimburse a portion of the cost for fitness activities for all full-time benefit eligible employees. Examples of the types of activities for which employees may be reimbursed are membership in gyms or fitness centers, or a series of classes in exercise or yoga. IAIA will reimburse up to \$150.00 toward the cost of these programs each fiscal year (October 1 – September 30). Receipts for expenditures for membership or classes must be attached. Eligibility is concurrent with benefit eligibility date. Questions on activities applicable for the reimbursement should be directed to Human Resources.

K. Dependent Tuition Waiver Policy

I. Introduction:

IAIA's Dependent Tuition Waiver Program provides tuition remission at IAIA, for a qualified dependent child, whose parent is an eligible participant.

II. Participant Eligibility:

1. Qualifying Period. To be eligible for the Dependent Tuition Waiver Program, an employee must have been employed by IAIA for at least one year of service. A year of service is defined as 12 consecutive calendar months of employment for regular, full-time staff, and one academic year of teaching at least a full 3/3 load, for regular, full-time faculty. Employees will be eligible to apply for the benefit beginning with the next semester (fall or spring) following fulfillment of eligibility requirements.

2. Faculty Qualifications. After the qualifying period has been satisfied, full-time Faculty may participate while:

- a) teaching full time
- b) on sabbatical leave, provided 6 years of service have been completed prior to applying for the benefit
- c) on disability as determined by the criteria for short and long term disability policies in force

3. Staff Qualifications. After the qualifying period (New Hire Period) has been satisfied, full-time Staff may participate while:

- a) working full-time
- b) on disability as determined by the criteria for short and long term disability policies in force.

4. Retiree Qualifications. To be eligible, a retiree must:

- a. Have retired upon or after attaining age 65 and after completing at least ten years of full-time service -OR-
- b. Have retired after completing at least 25 years of service, regardless of age.

Eligible retirees will qualify for 100% of the allowable benefit. Only qualified dependent children that were also qualified dependent children at the time of the employee's retirement will qualify for the benefit.

5. Qualifications for a Deceased Employee. Eligibility will also extend to the qualified dependents of eligible participants who at the time of their death met the conditions for participation given in Section II, #2, #3 or #4 above. Qualified dependent children of deceased eligible employees will qualify for 100% of the allowable benefit.

III. Dependent Child Qualifications:

A "qualified dependent child" (the student) must meet the following criteria:

1. The student must be the natural or legally adopted child of the eligible employee,

with the further qualification that if the child has been legally adopted, such adoption shall have occurred before the child's 18th birthday and at least two years prior to the time the tuition assistance shall be received,

2. The student must be under 26 years of age as of the beginning of the first semester for which the benefit is requested. A tuition waiver will not continue beyond the semester in which the student turns 26, except as noted in Section IV, #2.

IV. Tuition Waiver Program at IAIA:

1. The Dependent Tuition Waiver Program provides for the full or partial waiver of undergraduate tuition charges at IAIA, in accordance with provisions of the policy presented in this document. For part-time students the tuition waiver amount will be pro-rated.
2. Qualified dependent children of eligible participants may receive a tuition waiver at IAIA each year for four full-time equivalent years, if the student attends only IAIA. If the student attends another college(s) and then later transfers to IAIA, IAIA will provide a tuition waiver until the student has completed a total of no more than four full time equivalent years of study at IAIA or has attained a four-year degree; whichever occurs first.

The Benefit is not intended to pay for more than the cost of education. If other funding presents a situation where total funds come up to more than the cost of education as defined by the institution, the IAIA Tuition Waiver Benefit will be reduced. A dependent tuition waiver is awarded for a maximum of four full-time equivalent years of study, and does not cover special programs or other fees. Each Dependent Child may receive no more than 100% of whatever benefit is available under this policy, even if both parents fall in the Eligible Participant category.

V. Program Administration:

1. **Program Administrator.** The Financial Aid Director shall be designated as the primary administrator of the tuition waiver program. The administrator shall evaluate the Eligible Participant's application for tuition assistance, interpret the provisions and relevant documents, and determine the amount of the tuition assistance in accordance with the provisions of this document.
2. **Application Procedure.** A Dependent Tuition Waiver Application Form must be submitted to the Financial Aid Office by May 1 of the current academic year for benefits in the next academic year. To apply for dependent tuition assistance for the first time, an eligible participant must submit a copy of the student's birth certificate/adoption papers showing that the eligible participant is the student's biological or adoptive parent; that, in the event of adoption, the adoption occurred before the student turned 18 and at least two years before the beginning of the semester for which the tuition assistance is requested; and that the student will be under 26 years of age at the beginning of the semester for which a tuition waiver is requested. Subsequent applications for a tuition waiver for the same dependent child will require only timely submission of the Dependent Tuition Assistance Application Form.
3. **Appeal Procedure.** Whenever the student or eligible participant does not accept

the judgment of the administrator on any matter affecting the tuition assistance, a written request for a reconsideration of the judgment, stating the grounds of disagreement, may be made to the administrator of the program. After reviewing the appeal, the administrator will respond to the request in writing. As a last resort, an appeal may be made to the President.

VI. Termination of Employment

If a qualified participant terminates employment for reasons other than death while an eligible dependent is receiving a benefit a re-calculation will be made as follows:

- a) if termination occurs prior to the start of the semester that the benefit is to be received, no benefit will be awarded;
- b) if termination occurs after the start of the semester that the benefit is to be received, but prior to 50% completion of the semester, 50% of the benefit will be due back to IAIA;
- c) and if termination occurs after the 50% mark of the semester that the benefit is for, no adjustment will be made.

IX. SAFETY IN THE WORKPLACE POLICIES

A. *Workplace Violence*

IAIA is committed to providing its employees a work environment that is safe and secure and free from harassment, intimidation and violence. IAIA has a zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to corrective action, up to and including termination. Violations of this policy will also be subject to reporting to law enforcement agencies and to legal action by IAIA, as IAIA determines appropriate.

1. **Definition**

Any intentional act that inflicts, attempts to inflict, or threatens to inflict bodily hurt on another person or that inflicts, attempts to inflict, or threatens to inflict, damage to property, whether committed by an IAIA employee, student or by anyone else and which occurs in the workplace, at an IAIA event or while an employee is engaged in IAIA business. A threat includes, but is not limited to, any indication of intent to harm a person or to damage property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. In severe cases, verbal abuse may be considered an act of violence.

Examples of prohibited conduct include, but are not limited to: hitting or shoving an individual; threatening to harm an individual or his/her family, friends, associates or their property; the intentional destruction or threat of destruction of property; making harassing or threatening telephone calls, shouting profanities or other severe verbal abuse, or sending harassing or threatening letters, text messages, or other forms of written or electronic communications; intimidating or attempting to coerce another to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule, that would affect the business interests of IAIA; and, the willful, malicious and repeated following of another person, also known as “stalking”; and the making of a threat with intent to place the other person in fear for his/her safety.

2. **Weapons**

The presence of weapons on IAIA premises or at IAIA activities creates risk of injury or death, and creates a climate that undermines IAIA’s mission. Accordingly, IAIA forbids the possession, custody or use of weapons by unauthorized persons in or around all IAIA locations or IAIA vehicles. No employee may bring onto, keep or carry a weapon at an IAIA location or IAIA vehicle.

Weapon: For purposes of this policy, weapon refers to any object or substance designed to (or which could be reasonably expected to) inflict a wound, cause injury, incapacitate, or cause death, including, without limitation, all firearms (loaded and unloaded, simulated and real), devices designed to expel a projectile (such as BB guns, air guns, pellet guns, and potato guns), swords, knife exceeding one and one-half inches in length, martial arts weapons, stun guns, bows and arrows, and chemicals such as tear gas, but excluding authorized pepper spray, unless the object is used for school-sanctioned work or activity.

Exception to prohibition of weapons: IAIA authorizes the use of personal pepper spray for personal safety only under the following conditions: Approved pepper spray (a/k/a oleoresin capsicum) will be typically in containers no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than ten (10) percent, for self-defense purposes. The Institute encourages anyone who carries pepper spray to learn how to use it, be aware of its limitations, and realize that it can be used against you in a physical confrontation. Additionally, any individual in possession of pepper spray accepts liability for its discharge, whether intentional or unintentional.

Enforcement & Disciplinary Action: If a faculty, staff, or student is in violation of this policy, disciplinary action will be taken. Because of the serious nature of this policy, action may be accelerated on a case by case basis. See the Student and Employee Handbooks. Weapons will be immediately confiscated and may not be returned, and local law enforcement may be called.

3. Response and Reporting Procedures

Employees shall respond promptly to workplace violence by reporting incidents to their supervisor and, in emergency situations, contacting IAIA Security and/or outside law enforcement where appropriate. Supervisors shall respond promptly to reports of workplace violence and report workplace violence immediately to IAIA Security, if this has not already occurred, and to the HR Department for appropriate action. Employees shall promptly report to their supervisors situations that they believe could lead to workplace violence, including but not limited to protective orders or other “no-contact” orders.

B. Workplace Safety, Emergencies, and On the Job Injury

IAIA strives to provide safe working conditions for its employees and observes the applicable safety laws of the governments within whose jurisdictions it operates. No one will be required to work in a manner known to be unsafe. Safety is every employee’s responsibility, and all employees are expected to do everything reasonably necessary to keep IAIA a safe place to work. Employees must report safety hazards, accidents or injury to a supervisor immediately. Supervisors are expected to notify the HR and Facilities Departments when there has been a report of a safety hazard, accident or injury. Failure to report incidents could result in a loss of certain benefits and may lead to corrective action up to and including termination.

Additional safety, emergency and security information and guidance may be found in the IAIA **Emergency Procedures Policy document** obtainable on Campusnet and from the Facilities Department.

C. Workers Right to Know and OSHA

The Employee Right to Know Act of 1983 defines handling procedures for working with and handling hazardous and toxic chemicals. A copy of this Act and the Occupational and Safety Health Act (OSHA) regulations and compliance issues are on file in the HR Department.

D. Security

The security force is charged with maintaining the safety and dignity of IAIA for the purpose of its mission, the protection of its contents, and the safety of its employees, students and visitors. To achieve this purpose, the security officers shall enforce IAIA policies without regard to race, color, creed, gender, religion, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. The rules for enforcing IAIA policy and applicable law are published in the security officers’ Manual of Procedures, Regulations and Operations.

E. Surveillance and Searches

Upon reasonable suspicion, without notice or consent, IAIA may search employees’ personal effects while on IAIA property, such as vehicles, lunch boxes, purses, backpacks, toolboxes, desks, lockers, cellphones, personal computers, and other personal effects as set out in this policy. Offices, lockers, desks, and similar storage facilities are IAIA property and remain at all times under the control of IAIA; however, persons using such facilities are expected to assume full responsibility for the security of their lockers and desks and storage units. IAIA may search any and all IAIA-owned property. An employee does not have a reasonable expectation of privacy with respect to any personal effects while on IAIA

property or as to any IAIA-owned property, including desks, lockers, cellphones, computers, computer notebooks and computer tablets.

"Reasonable suspicion" means that the person initiating the search has a well-founded suspicion -- based on objective facts that can be articulated -- of either criminal activity or a violation of IAIA policies.

A pat-down search of a person may be conducted on the basis of a reasonable, individualized suspicion that such person is in possession of substances, materials or objects in violation of IAIA policy. Any such search will be conducted in private by an IAIA security guard of the same gender as the person to be searched and in the presence of a witness of the same gender. In the event that an IAIA security guard of the same gender is not available, a law enforcement agency may be contacted for assistance. Strip searches are not permitted.

Parking lots are IAIA property and are subject to surveillance and search at any time. IAIA may conduct routine patrols of IAIA parking lots and inspections of the exteriors of automobiles on IAIA premises and visibly inspect the interiors of automobiles on IAIA premises from outside the vehicle. These patrols and inspections may be conducted without notice and without consent. The interiors of vehicles on IAIA property may be physically inspected whenever an IAIA official has a reasonable suspicion to do so.

F. Inclement Weather

The President makes decisions to close or delay the opening of IAIA because of inclement weather. When the weather is inclement, employees are responsible for calling in to determine if or when IAIA or any of its departments, such as the Museum, will be open for business. To do so, employees may call IAIA's main telephone number and receive a message stating whether there will be a delay in opening or a closing, or asking the caller to call back at a later time. If a decision to close early is made during regular business hours, employees will be notified at their workplace.

If an employee chooses not to work when the weather is inclement, and the President has decided not to close IAIA or delay its opening, his/her Supervisor may authorize use of vacation leave. The services of certain employees are considered to be essential during an official closing or delayed opening. These employees may be required to work during inclement weather.

Employees who are not scheduled for work or have prearranged vacation and sick leave during inclement weather are not affected by any adjusted schedules.

X. IAIA PROPERTY POLICIES

A. Use of Tobacco

Smoking or chewing tobacco is not allowed in any enclosed area of the campus and in all IAIA vehicles. Outside break areas have been identified for smoking and these are the only areas where smoking or chewing tobacco may be used. Use of tobacco products may not occur within thirty (30) feet of any entrance to an IAIA facility or event. All tobacco products, including packaging, must be disposed of in an appropriate trash or other container. It is a violation of IAIA policy to litter or discard tobacco products, including cigarette butts, in any place other than an appropriate trash or other container.

B. Housekeeping

IAIA facilities and grounds are to be well maintained and kept in a condition of cleanliness and good repair. The President and the Facilities Department shall regularly evaluate the plan for general appearance, maintenance, and overall improvement of IAIA facilities and IAIA campus.

All employees are expected to keep their work areas clean and organized. People using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly.

C. Copyright and Other Intellectual Property Rights

IAIA is committed to respecting the rights of copyright holders and complying with copyright law. IAIA recognizes that the exclusive rights of copyright holders are balanced by limitations on those rights under federal copyright law, including the right to make a fair use of copyrighted materials and the right to perform or display works in the course of face-to-face teaching activities.

IAIA facilitates compliance with copyright law and, where appropriate, the exercise in good faith of full fair use rights by faculty and staff in teaching, research, and service activities. Specifically, IAIA:

- informs and educates students, faculty, and staff about copyright law, including the limited exclusive rights of copyright holders as set forth in 17 U.S.C. § 106, the application of the four fair use factors in 17 U.S.C. § 107, and other copyright exceptions;
- develops and makes available tools and resources for faculty and staff to assist in determining copyright status and ownership and determining whether use of a work in a specific situation would be a fair use and, therefore, not an infringement under copyright law (see Faculty Handbook);
- facilitates use of materials currently licensed by IAIA and provides information on licensing of third-party materials; and
- identifies individuals at IAIA and member institutions who can counsel faculty and staff regarding application of copyright law.

D. Use of IAIA Name and Logo

IAIA's name and logo are the exclusive property of IAIA and may not be used in connection with goods or services offered by any outside organization or individual without the prior permission of the President. IAIA may use quotations or visual images from employees with the permission of the employee in annual reports, recruitment brochures, academic catalogs, IAIA web sites, or other promotional or educational materials. Proper recognition will be given to the employee.

Official IAIA stationery may not be used in connection with outside activities except with respect to academic and scholarly activities as approved by the President. No report or statement relating to outside activities may use the name IAIA or be attributed to it, without the express written permission of the President.

More detailed guidance may be found in the **IAIA Corporate Style Guide** on the Marketing and Communications page on Campusnet.

E. Use of IAIA Equipment and Other Resources

Desks, computers, vehicles, phones, other equipment, supplies, and facilities are IAIA property and may not be used for inappropriate personal or non-IAIA-business reasons. As well, they must be maintained according to IAIA rules and regulations. They must be kept clean and are to be used only for work-related purposes. IAIA reserves the right to inspect all IAIA property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

No Loans to Students or Third Parties - Faculty/staff are expressly prohibited from reserving school equipment and/or its accessories in order to loan for student use.

No Crossing State Lines - Faculty/staff/student must provide in writing to both the Dean of Academics and CFO justification allowing IAIA equipment to be taken out of state. Written permission must be granted prior to taking any school equipment across state lines. Faculty/staff/student must provide a copy of insurance fully covering the equipment listed to go out of state. The only exception to this is job critical equipment that is assigned to faculty/staff at time employment starts.

- Smart phone
- Laptop
- Projector
- Company vehicles

No Personal Use – as with students, faculty/staff/student are allowed to use school equipment to further their art, as long as it is not used to generate funds. Faculty/staff/students are prohibited from using school equipment for profit-making projects.

IAIA voice mail, cell-phone texting, electronic mail (e-mail), or internet access are to be used for appropriate purposes only. IAIA reserves the right to monitor voice mail messages and e-mail messages to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence. IAIA employees are required to immediately report any knowledge of a violation of this policy to their supervisor or their supervisor's supervisor. Failure to report inappropriate use may result in corrective action including, but not limited to, immediate termination of employment.

IAIA may periodically need to assign and/or change "passwords" and personal codes for computers, laptops, phones, etc. These communication technologies and related storage media and databases are to be used only for IAIA business and they remain the property of IAIA. IAIA reserves the right to override any such password system.

Prior authorization must be obtained before any IAIA property may be removed from the premises.

For security reasons, employees should not leave personal belongings of value in the workplace or share your passwords or security codes with others. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Terminated employees should remove any personal items at the time they leave IAIA. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

More detailed guidance may be found in the following policy documents located on the IT Department page on the IAIA Website Portal.

- **Email Acceptable Use Policy**
- **Email Distribution List and Guidelines**
- **Email Distribution List Roles and Names Policy**
- **Computer and Network Resource Policy (Faculty)**
- **Computer and Network Resource (Staff)**

F. Employee Personal Property

IAIA does not insure or assume liability for the loss or damage of any employee, student or visitor personal property. IAIA employees should not use their own personal property to perform their jobs.

Personal items brought into the workplace are subject to a determination of suitability/appropriateness for the workplace.

G. Use of IAIA Facilities

IAIA may make its facilities available to profit and non-profit organizations, private groups and individuals in order to increase public awareness of IAIA, its collections, educational programs and research facilities. Use of any IAIA facility must comply with all applicable IAIA policies, procedures, and copyrights. For additional information please refer to the Facilities Department.

Priority will be given to regularly scheduled IAIA programs and events, or programs planned for the benefit of a group that is central to the operations of IAIA. Events held during regular IAIA hours will not interfere with the work of IAIA employees and/or students. Approved events should harmonize with the character and mission of IAIA and not interfere with its other functions.

No fund-raising activities will be permitted except for the benefit of IAIA or for entities with missions compatible with IAIA. Under no circumstances may an IAIA employee or volunteer, as part of a job assignment during working hours, engage in the sale of tickets or handle funds connected with non-IAIA activities and programs.

H. Library Materials

All employees of IAIA are encouraged to use and borrow resources from the IAIA Library. Employees may also use Interlibrary Loan and New Mexico Academic Library Passport services. Contact the Library for more information.

Library staff may verify an individual's employment with IAIA by contacting Human Resources. The Library does not charge late fees. However, borrowing privileges are suspended until items are returned or a replacement fee is paid. Employees who have lost or damaged IAIA Library items are charged a replacement fee.

Individuals separating from employment with IAIA are required to return all borrowed IAIA Library items prior to leaving. Replacement fees will be charged for lost, damaged or non-returned items and deducted from the employee's final paycheck if the fees are not paid prior to the employee's leaving.

I. U S Mail

IAIA mail service is for IAIA business purposes only. This includes outgoing mail. Employees are responsible for ensuring that their personal mail is not delivered to IAIA nor do they send out their personal mail from IAIA. Personal mail that is delivered to IAIA for any employee may be returned to sender by the Facilities Department.

J. Visitors

Visitors to IAIA must be invited by IAIA or by an employee or student. Visitors must be escorted at all times. Visits from friends and family are to be kept to a minimum, in order to preserve an appropriate work and academic environment. It is extremely important that the impression left with IAIA visitors is that of a professional institution of higher education with the highest standards of conduct. While at IAIA, visitors must abide by IAIA's policies, procedures and standards.

IAIA reserves the right to suspend or ban individuals or groups from IAIA premises. Inappropriate conduct will result in a security or police escort from IAIA premises and enforcement action deemed appropriate by IAIA under the circumstances.

K. Children in the Workplace

Employees may not bring children with them to work except with the prior written permission of their supervisor and only under extenuating circumstances. This policy is not to be used as a backup childcare arrangement.

The supervisor will consider the following factors before approving such a request:

1. Safety concerns.
2. Health concerns, such as whether the child is ill and/or contagious.
3. The age of the child.
4. How long the child will need to be present in the work place.
5. The work environment in the employee's area.
6. Whether the child's presence may be a disruption to other employees.

If a child is allowed to be brought to the workplace as stipulated in the policy, the child is the sole responsibility of the employee-parent and must be accompanied and under the direct supervision of only the employee-parent at all times. This responsibility may not be assigned or delegated to anyone (e.g. student, colleague, volunteer, visitor, etc.) even if an individual offers to supervise the child.

IAIA reserves the right in its sole discretion to deny such a request for reasons including, but not limited to, the factors outlined above. IAIA will not accept liability for children in the workplace.

L. Animals in the Workplace

With the exception of certified service animals, employees may not bring animals or pets to work.

M. Bulletin Boards

IAIA maintains an employee bulletin board located in the HR Department.

Bulletin board is used to provide information to employees concerning:

- Federal Wage and Labor Law Notices
- Occupational Safety and Health Act (OSHA) information
- Sexual Harassment – Notice of Employee’s Right for a Harassment Free Environment
- Information on how to access IAIA’s Employee Assistance Program (EAP) Resources
- Notice: What to do in case of a work-related injury or illness
- Notice: Employee Rights Under the Family Medical Leave Act (FMLA)
- Notice: Employee Rights Under Military Family Leave
- Notice: IAIA’s Workplace Safety, Emergencies and On-the-Job Injury Policy
- Contact Information for IAIA Security

Employees may not post items on any IAIA bulletin boards unless the following conditions are met:

- Postings may be made by employees only
- The information to be posted must first be approved by Dean of Student Life and/or the Human Resources Director
- Postings are limited to 8” by 11” (Letter Size)
- Bulletin boards will be updated monthly and
- Posted items will be dated and will be removed after one (1) month
- Under no circumstances may postings be placed on doors or windows.

N. Electronic Media (Equipment)

Electronic media is defined as desktop computers, laptops, handheld devices including but not limited to iPhone, blackberry, cell phones and (list other IAIA-owned items). These items and all data transmitted through IAIA servers are IAIA property and must be maintained according to IAIA rules and regulations. Prior authorization must be obtained before any IAIA property may be removed from the premises.

They must be kept clean and are to be used only for work-related purposes. IAIA reserves the right to inspect all IAIA property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee’s presence.

IAIA may periodically need to assign and/or change “passwords” and personal codes for all IAIA-owned electronic media. Electronic media and related storage media and databases are to be used only for IAIA business and they remain the property of IAIA. IAIA reserves the right to override any such password system. For security reasons, employees should not share their passwords or security codes with other personnel.

Employee’s own electronic media may only be used during breaks. All other IAIA policies, including IAIA’s no tolerance for discrimination, pornography, and harassment or retaliation in the workplace apply. IAIA reserves the right to adjust this policy on a case by case basis as it deems appropriate.

O. Social Media

IAIA uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. Use of Internet based programs such as Facebook, Linked In, and Twitter (this is not meant to be an exhaustive list – if you have specific questions about which programs IAIA deems to be social media, consult with your supervisor or HR) may be used in furtherance of IAIA goals. Your supervisor and HR will authorize in writing if you can use these tools to perform your job duties. Your authorization is limited to business

purposes and personal use of these tools during work hours is prohibited and can result in corrective action up to and including termination.

P. Parking

Employees may park their vehicles in designated areas upon obtaining a parking permit from Student Life and displaying it on their vehicle as directed. If space is unavailable, employees must park in permissible public areas in the vicinity of IAIA property. Employees may not use parking areas specifically designated for students, customers, vendors, IAIA vehicles, or reserved for managers. IAIA is not responsible for any loss or damage to employee vehicles or contents while parked on IAIA property.

The details of parking policy are set out in the **IAIA Vehicle Parking Policy** document posted on Campusnet or obtainable from the Facilities Department.

Q. Personal Use of IAIA Cell Phone

Employees are prohibited from using IAIA-issued cell phones and any other IAIA property to conduct personal business.

Additionally, writing, sending, or reading text-based communication – including text messaging, instant messaging, and e-mail – on a wireless device or cell phone while driving on IAIA business is prohibited under this policy. Violating this policy is a violation of law and a violation of IAIA rules.

XI. EMPLOYEE CONDUCT POLICIES

Employees are expected to conduct themselves in a professional, respectful, and courteous manner; use good judgment; demonstrate a sense of responsibility and accountability; comply with IAIA policies, procedures, and core values; and perform their work in a satisfactory manner. Creating and maintaining professional boundaries with students is critical. IAIA employees are expected to exercise and demonstrate personal and professional honesty and integrity, and to respect the rights, dignity, values and contributions of others. Nothing contained in this policy is intended to alter the at-will employment relationship between IAIA and its employees.

A. Dress Code

IAIA strives to maintain a professional image. Although, IAIA does not have a specific dress code, the basic grooming standard for all employees consists of cleanliness, neatness, and good taste. Supervisors may determine whether an employee is in compliance with the above grooming-standard guidelines. If you are not sure whether your attire falls within acceptable guidelines, a good rule of thumbs is – “if in doubt, do not wear it”.

Employees should be mindful that some of the cultures in the IAIA community may be sensitive to certain types of dress, and that personal appearance is a reflection on IAIA.

B. Unexcused Absence from Work or Job Abandonment

Failure to properly notify IAIA of absence from work will result in an unexcused absence. Any unexcused absence is grounds for corrective action, up to and including termination of employment.

An unexcused absence of more than two days will be deemed voluntary abandonment and resignation of employment with IAIA.

C. Attendance

Attendance is a job requirement and is extremely important to the success of IAIA; therefore, employees are required to arrive for work on time. IAIA recognizes that, on occasion, you may not be able to come to work or need additional time before you arrive. If you cannot report to work as scheduled, you must notify your supervisor, prior to your scheduled work time. If your need for time off is foreseeable, you must provide as much notice as possible. If your need for time off is not foreseeable, you must provide as much notice as practicable, but not less than one (1) hour prior to your normally scheduled starting time.

You may be asked to submit documentation for absences due to illness of three (3) days or more. Generally, you must provide a document from your doctor or other recognized health care provider that would justify your absence. Likewise, you will need to provide documentation justifying your return to work.

Repeated tardiness and/or absenteeism will result in corrective action, up to and including termination of employment.

D. Serious Misconduct

Behavior or conduct that is inappropriate, jeopardizes the safety or well-being of a member of the IAIA community or IAIA in general, causes damage or destruction of IAIA property, constitutes a crime, or demonstrates resistance to or disregard for authority or direction, may result in corrective action, or termination of employment, depending on the gravity of the misconduct.

Following is a list of critical offenses considered serious misconduct and which may justify immediate termination without regard to prior record of conduct:

- Falsification of IAIA documents such as employment application; medical and benefit forms; timesheets, reimbursement claims, etc.
- Theft or destruction or abuse of IAIA property or the property of IAIA's employees, students, customers or visitors
- Distribution, possession, consumption, purchase, sale or manufacture of intoxicants or illegal substances on IAIA grounds, IAIA events or work-related events
- Reporting to work or an IAIA event or work-related event under the influence of intoxicants
- Possession of a firearm or weapon
- Disorderly conduct on IAIA property or any IAIA event or work-related function to include, but not limited to, threatening, intimidating, coercing, harassing, assaulting, or otherwise endangering the safety of IAIA staff, students, customers or visitors
- Gross insubordination or the refusal to obey a legitimate directive from a supervisor
- Disclosure of confidential or proprietary information, unless legally obligated to do so
- Conviction of illegal activities

The above listing of critical offenses is not all inclusive. Other serious offenses of misconduct may justify immediate termination, as deemed appropriate by IAIA.

E. Alcohol- and Drug-Free Workplace

1. Policy

IAIA is a drug-free and alcohol-free workplace and has adopted a no tolerance policy with respect to alcohol and drug abuse. IAIA is committed to providing a safe work environment and to promote and protect the health, safety, and wellbeing of our employees and students. This commitment is jeopardized when any employee engages in use, possession, sale, conveyance, distribution or manufacture of illegal drugs, intoxicants, controlled substances or abuses prescription drugs or alcohol.

It is a violation of IAIA policies for any employee:

- to use, possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances, or to attempt to do the same
- to use, abuse or be under the influence of alcohol anytime during hours of business operation in any IAIA location or IAIA vehicle
- to use prescription drugs illegally and it is the responsibility of the employee to report the use of prescribed drugs that MAY (per warning labels provided by the pharmacy) affect the employee's judgment, performance, or behavior

Violations of this policy are subject to corrective action up to and including termination of employment. IAIA may contact law enforcement and other external authorities when it suspects a violation of this policy has occurred. Employees must notify the HR Director in writing of convictions under any criminal drug statute occurring in any IAIA location or IAIA vehicle, no later than five calendar days after such conviction. Employees authorized to operate any IAIA vehicle must also notify the HR Director of any suspension of their driver's license immediately upon legal notification.

At IAIA's discretion, any employee who violates this policy may be required to participate satisfactorily in a substance abuse treatment or rehabilitation program.

2. Employee Assistance Program (EAP)

IAIA strongly encourages employees who engage in any form of substance abuse, including abuse of alcohol or other drug, to voluntarily refer themselves for treatment and assistance. IAIA will provide information or referral for employee assistance, rehabilitation, and/or counseling.

3. Alcohol at IAIA Events

The only exception to the alcohol-free policy relates to the serving and consumption of alcohol at functions at the IAIA Museum as officially allowed according to the resolution of the IAIA Board of Trustees, May 14, 1999. The Board of Trustees further resolves that this approval does not extend to any other IAIA properties.

IAIA sponsored activities or other social events where alcoholic beverages are served are not considered alcohol abuse. However, inappropriate behavior exhibited under the influence of alcohol is grounds for corrective action up to and including termination of employment.

F. Confidentiality

Information about the administrative, operational and/or non-scholastic activities of IAIA, Family Education Rights and Privacy Act (FERPA), or Health Insurance Portability and Accountability Act (HIPAA), acquired in the course of performing employment duties and not generally known or readily available to the public is considered proprietary to IAIA and is confidential information. Employees are prohibited from using information or knowledge received as a result of being employed by IAIA for personal advantage or for purposes detrimental to IAIA. Violations of this policy will result in corrective action up to and including termination of employment.

G. Public Relations

IAIA seeks to promote excellent public relations and good will at all times. All complaints or requests for information should be courteously referred to the appropriate department head or employee for response.

All employees must notify and obtain clearance from the President or his/her designee before undertaking discussions and interviews with media representatives. The President or his/her designee must approve news releases and publicity regarding IAIA. Announcements that might be considered official statements about IAIA's work and affairs are reviewed and released through the President or his/her designee only.

Employees must work with the Communications Director or his/her designee in preparing a news item or official statement concerning IAIA. The Communications Director or his/her designee coordinates all official news releases for commercial, electronic, or printed purposes.

IAIA employees should keep the HR Department and the Communications Director informed of IAIA research and developments of public interest, including but not limited to special awards or honors received by members of the IAIA community.

H. Acceptance of Gifts and Gratuities

It is a violation of IAIA policy for employees to accept any favor or gratuity from any person, firm or organization that is engaged in, or attempting to engage in, business transactions with IAIA. "Favor" or "gratuity" includes, but is not limited to, items of monetary or collectible value, discounts on personal

purchases, and other arrangements advantageous to the employee. Favor or gratuity does not include occasional meals or gifts valued at or under \$25.00.

I. Solicitation

In order to ensure the efficient operation of IAIA's business and to prevent disruption to employees, IAIA has established control of solicitation and/or distribution of literature on IAIA property. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor.

No employee shall solicit on IAIA property or at IAIA sponsored events for personal gain.

No employee may promote any cause or organization during his or her working time, or during the working time of other IAIA employees at whom such activity is directed, without the approval of their supervisor and the Director of Human Resources.

No employee shall distribute or circulate any written or printed material on IAIA property at any time, or during the working time of other employees at whom such activity is directed, without the approval of their supervisor and the Director of Human Resources.

Non-employees are not permitted to solicit and/or to distribute written material for any purpose on IAIA property or during IAIA events without the expressed written consent of IAIA's Director of Human Resources.

At IAIA-sponsored conferences and events, conducted under the direction of the Center for Lifelong Education (CLE), employees, outside of their normal working hours, or non-employees, may obtain permission from the Director of CLE to solicit or otherwise support Native American causes. The selection and approval of such vendors will be conducted in a transparent and equitable manner.

J. Conflicts of Interest

IAIA expects its employees to conduct business according to the highest ethical standards of conduct and devote their best efforts to the interests of IAIA and the conduct of its affairs. Business dealings that represent, or appear to represent, a conflict between the interests of IAIA and an employee are not permitted. An employee who has a conflict of interest, or an appearance of a conflict of interest, must disclose and refrain from any decision regarding the subject matter of the conflict.

K. Other Employment

No employee may solicit, negotiate for or accept employment from or render any services to any outside person, firm, group or entity if such employment or service physically impairs the proper discharge of the employee's IAIA duties; creates or tends to create a conflict of interest between IAIA and the employee or outside person, firm, group or entity; or compromises the professional integrity of the employee or the reputation of IAIA.

Any outside employment must be based on the premise that the employee's primary responsibility is to IAIA and must be approved by the employee's supervisor and the President before commencing the outside employment. Employees are prohibited from performing any duties related to outside employment during their regular working hours or during any additional time that is needed to fulfill an employee's responsibilities to IAIA. The employee may obtain an "other employment authorization form" from HR.

When outside employment is performed on the employee's own time, without support services of IAIA, the employee may retain fees, honoraria, and copyrights if in compliance with IAIA's Copyright Policy. For purposes of their outside professional activities, employees may use only their own IAIA office space, studios and library services. Any and all other IAIA facilities including, without limitation, computers and other equipment, may not be used for any purposes related to outside employment.

L. Political Activities by Employees and Others

IAIA recognizes and approves of the right of free speech and expression of opinion on any subject by any IAIA employee. An employee who speaks or acts shall not do so in the name of IAIA unless the Board of Trustees or the President has authorized him/her to do so. IAIA does not contribute to, or otherwise support, any political party or candidate for elective public office. The expression of political views and opinions will be those of an individual and not of IAIA.

IAIA recognizes the right of employees to engage in lawful political activities; however, such activities must be done on the employee's own time and not interfere with his/her IAIA duties.

Employees, political candidates, and those supporting a political position may not campaign during work hours; use IAIA resources (e.g., equipment, facilities, information such as IAIA address or distribution lists or directories) for distributing campaign materials or for other campaign purposes; represent their political views or those of any political candidate or party as being those of IAIA; distribute campaign material through campus mail; place campaign materials in or on IAIA property; sell tickets at any IAIA location; use students for any campaign activity during IAIA business hours; or ask students to take home campaign literature for individual candidates.

Candidates may be invited by IAIA to address members of the IAIA community after IAIA hours.

M. Relations-with-Students Policy for Faculty/Staff

The faculty and staff of IAIA assist the Institute in meeting its mission of providing a quality higher education for its students. Students should be assured that the relationships they develop with faculty and staff members will always be built upon the highest ethical precepts of the educational profession.

In order to promote the efficient and fair operation of IAIA and to avoid misunderstandings, complaints of favoritism, supervision problems, security concerns, morale issues, questions regarding academic achievement, and possible claims of sexual harassment, faculty and staff are strictly prohibited from consensual relations with students including, but not limited to, dating, pursuing to date, or pursuing or having romantic or sexual relationships with students. For these reasons, dating, romantic, or sexual relationships between students and faculty/staff members, including relationships that occur when IAIA is not in session or students are on leave, are prohibited.

This policy is not applicable to instances where the relationship between a student and employee was pre-existing. However, a student who falls into this circumstance may not be enrolled in a class conducted by the employee or work under the supervision of the employee as the case may be.

Faculty and staff who violate this policy will be subject to discipline, up to and including termination of employment.

N. Ethics

IAIA is committed to conducting all its academic, organizational and operational affairs fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations. The highest standards of ethical business conduct are required of all IAIA employees in performance of their responsibilities.

It is for this reason that this statement of ethical principles and its accompanying guidelines are endorsed by the Board of Trustees of IAIA. These principles and guidelines shall apply as appropriate to all IAIA employees regardless of position. In the event of a conflict between the terms of this policy and any existing policy, this policy will take precedence. If a topic has also been addressed in other policy statements or manuals of IAIA, the procedures and statements contained are reaffirmed.

Guidelines and Principles of Ethical Conduct

1. IAIA employees shall not hold financial interests that are in conflict with the performance of their official duties and responsibilities.
2. IAIA employees shall not engage in any financial transaction in order to further any private interest using non-public information which they obtain in the course of their employment.
3. IAIA employees shall put forth honest effort in the performance of their duties.
4. IAIA employees shall make no unauthorized commitments or promises of any kind purporting to bind IAIA.
5. IAIA employees shall act impartially and not give preferential treatment to any private or public organization or individual with the expectation of personal gain.
6. IAIA employees shall protect and conserve IAIA property and shall not use it for any unauthorized activities.
7. IAIA employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities.
8. IAIA employees shall promptly disclose waste, fraud, abuse, and corruption to appropriate authorities.
9. IAIA employees shall adhere to the laws, regulations, and policies that provide equal opportunity for all persons.
10. IAIA employees shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of IAIA.
11. IAIA employees shall not utilize computers in a manner that is contrary to the mission of IAIA.

The HR department, with guidance from the President and Board of Trustees, is responsible for providing policy guidance and issuing procedures to assist employees in complying with the IAIA principles of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

O. Mandatory Employee Identification (ID) Card

IAIA employees, except for student employees, must carry an IAIA ID card on their person at all times while at work.

XII. CORRECTIVE ACTION AND DUE PROCESS POLICIES

A. Corrective Action/Progressive Disciplinary Process

1. Policy

It is IAIA's policy to encourage employees to perform to their highest levels of ability and conduct themselves in a professional manner at all times. The corrective action process is intended to: help employees and address conduct in violation of appropriate standards; avoid future performance or conduct issues; and encourage open communication. It is IAIA's policy in cases of interpersonal conflict to encourage the parties to resolve their differences directly and with mutual respect. HR is available to assist upon request in these matters. However, corrective action or discipline may be required if these kinds of conflicts become a pattern or are disruptive to the workplace. Following is a description of the steps of the corrective action and progressive disciplinary process. IAIA has the option of deviating from these steps as IAIA deems appropriate, such as when serious misconduct occurs.

Employment with IAIA is by mutual consent between IAIA and the employee. Therefore the employment arrangement is considered "at will" and may be terminated at any time, with or without cause, by either IAIA or the employee.

2. Steps

The corrective action or progressive disciplinary process includes, but is not limited to:

Verbal Reprimand - An oral statement informing an employee that his/her performance, actions, behavior, or conduct need to demonstrate immediate and sustained improvement. This reprimand should include the nature of the problem, IAIA's expectations, and the consequences should the problem continue. It is recommended that supervisors obtain the appropriate form from HR to document the date, time, and content of the verbal reprimand. A verbal reprimand is not grievable under IAIA's Grievance Policy. A Verbal Reprimand remains in effect for 90 days from the date issued to the employee, during which time an employee may progress to another step of the corrective action/progressive disciplinary process for any subsequent unacceptable performance or violation of policy. A verbal reprimand may be documented by the supervisor and placed in an employee's personnel file in consultation with HR.

Written Reprimand - A written reprimand specifies the inappropriate conduct or performance deficiency. It states a reasonable timeframe and effort required for improvement and identifies the consequences for failure to meet the required improvement. The appropriate form for documenting the written reprimand may be obtained from HR. The written reprimand will be filed in the employee's personnel file. A written reprimand remains in effect for six months from the date of issue to an employee, during which time an employee may progress to another step of the corrective action/progressive disciplinary process for any violation of policy. A written reprimand is grievable under IAIA's Grievance Policy.

Disciplinary Probation - A period of time during which an employee's performance or behavior will be more closely monitored. Disciplinary probation is documented in the employee's personnel file and states the timeframe and the results required of the employee to improve. It also identifies the consequences for failure to meet the required improvement, up to and including termination of employment. The appropriate form for documenting the disciplinary probation may be obtained from HR. Disciplinary probation remains in effect for one year from the date of notification to an employee, during which time an employee may be terminated for any violation of policy or for unacceptable performance. Disciplinary probation is grievable under IAIA's Grievance Policy.

Suspension - A temporary release from work, with or without pay, so that a matter or conduct may be investigated. A suspension will not exceed ten (10) business days. Whether or not an employee will be paid will be determined by the President in consultation with the Director of HR.

Successful Conclusion to Corrective Action/Progressive Disciplinary Process – In the event that an employee has satisfied the conditions of a corrective action or progressive discipline notification, the related documentation will be removed from their personnel file upon receipt by HR of a written request to this effect from an employee’s supervisor.

Termination – If the performance problem or conduct is not corrected, an employee may be terminated. An involuntary termination of employment with IAIA may occur whether or not the employee has been previously disciplined. The termination of an employee is subject to the Discharge Due Process Hearing Procedures.

B. Discharge Due Process Hearing Procedures

These procedures apply to a decision to discharge/terminate an employee or not to re-employ regular faculty. The time periods specified in this section may be modified by a written agreement signed by the employee and the Director of Human Resources.

1. Termination – Written Notification Procedure

The employee’s supervisor will present the employee with written notification of the termination. The written notification will explain the reasons for the termination, the effective date of the termination and the employee’s right to a hearing to contest the action. If possible, the notification will be hand-delivered to the employee, receipt of which will be acknowledged in writing and signed by the employee. Otherwise, it will be mailed by certified mail, return receipt requested, to the employee’s address of record in IAIA’s files. A copy of the written notification and the original acknowledgment of receipt will be submitted to the HR Director and a copy of each will be submitted to the President.

2. Request for President’s Hearing

Within four (4) business days of the receipt of the termination notice, the employee is required to advise the HR Director, in writing, of his/her intent to request a hearing. The HR Director must receive the written response within four (4) business days after the hand-delivery or date on the mailed return receipt of the notice of intent to discharge. The HR Director will arrange the time, place, and date of the hearing. The Hearing should be scheduled within four (4) business days after the HR Director has received the employee’s request for a President’s Hearing. The hearing can be rescheduled upon the written agreement of the President, supervisor and employee.

a) President’s Hearing

The President, the employee’s immediate supervisor, and the employee will meet to discuss the proposed discharge. At the hearing, the employee will have the opportunity to respond to and outline his/her reasons for contesting the termination.

b) President’s Hearing Decision

The President will issue a decision in writing within two (2) business days of the Hearing. The written decision will include: the time, date, and location of the hearing; persons present; the President’s decision on the termination; and the effective date of the action. The President’s written decision will be either hand-delivered to the employee (obtaining employee’s signature of receipt of the decision) or be sent by certified mail, return

receipt requested. The employee has a right to appeal the decision by requesting a Board Appeal as set forth in the following section.

3. Appeals to the Board of Trustees

The appeal to the Board of Trustees of a decision to discharge is a review of the information presented at the President's Hearing. The Board may affirm, reverse or modify the President's Final Decision, or it may remand the matter for the taking of additional evidence.

a) Written Notice of Appeal to the Board of Trustees

To appeal the President's decision, the employee must submit a written Notice of Appeal to the President's office within five (5) business days of the date the employee receives the President's Final Decision. Otherwise, the decision of the President will become final. The Notice of Appeal must state the grounds for the appeal and must be confined to the issues and evidence previously submitted at the President's Hearing.

b) Board of Trustees Review

Upon receipt of the Notice of Appeal, the President will notify the Chair of the Board of Trustees. The Chair will place the matter on the agenda for the next Board meeting, at which time the Board will: (a) designate a committee made up of three (3) members of the Board to consider the appeal and recommend a decision to the Board; OR (b) determine the schedule for the submission of briefs and oral argument, if any.

If a committee is designated to consider the appeal, the committee will have access to the record, will issue a schedule for the submission of briefs and for oral argument, if any, and will submit a recommended decision to the Board at the next regularly scheduled Board meeting. The Board will render its decision in writing within fifteen (15) calendar days of that meeting, and its decision will be final. In the event that the Board sustains the appeal, the employee will be eligible for back-pay less any unemployment insurance payments received in the interim.

C. Alternative Dispute Resolution Procedures

Nothing herein will prevent an employee from waiving his/her right to the Discharge Due Process Hearing Procedures set forth in this section of the IAIA Policy and Procedure Manual, nor will the parties be prevented from agreeing to alternative procedures or alternative dispute resolution such as, but not limited to, arbitration, mediation, negotiation and conciliation. To be valid and enforceable, the agreed alternative must be in writing and signed by both parties.

D. No Retaliation

There will be no retaliation against any employee who initiates or participates in good faith in the Discharge Due Process Hearing Procedures.

E. Grievance Policy and Process

The grievance process is available to any regular employee, other than during the New Hire Period, for the resolution of any disagreement or problem arising out of IAIA's policies, procedures or actions as they apply to the employment relationship. IAIA's philosophy is to resolve these issues and concerns in a timely and objective manner.

The grievance process will be kept confidential and all communications, documents and records relating to a grievance will be kept in a separate file and maintained by the HR Director.

Employee concerns and grievances should be clarified and resolved at the earliest possible time and at the administrative level closest to the nature of the concern.

1. Human Resource Office

The Human Resource Office will act in an advisory capacity as a resource for any employees who requests guidance on correct use and procedures of the Grievance Process.

2. No Retaliation

IAIA is committed to the view that employees are entitled to pursue a grievance without fear, restraint, intimidation, interference, discrimination or reprisal. There will be no retaliation against any employee who files a grievance, or who participates in good faith in any aspect of the grievance process.

3. Matters Not Subject to Grievance

The following matters may not be grieved under this policy:

- a. A grievance that is not brought within ten (10) working days of the incident that gave rise to the grievance;
- b. A Verbal Reprimand issued under the Corrective Action Policy;
- c. The discretionary act(s) of professional judgment relating to the evaluation of the work performance of any employee by his/her supervisor;
- d. Claims of discrimination or sexual harassment, which must be brought under other sections of this Manual;
- e. Employment decisions such as a discharge or refusal to reemploy for which a separate procedure or remedy is provided under IAIA policy;
- f. Problems or violations caused by some person, agency or authority other than an IAIA employee or where IAIA is powerless to provide an effective remedy;
- g. Final decisions rendered by the President in an appeal as the last step of the grievance process or final decisions made by the Grievance Panel should the President decline to render a decision in an appeal.

4. Steps in the Grievance Process

The grieving employee, "grievant", will be responsible for complying with the requirements of each step. Failure by the grievant to initiate a step in the time and manner described below will be considered acceptance of the proposed resolution and the grievance will be concluded.

i. Step One: Resolution with Immediate Supervisor

The grievant is encouraged to attempt to resolve the matter through his or her immediate supervisor and the supervisor of the employee against whom the grievance is directed. If resolution is not attained within ten (10) business days at this level, the grievant is instructed to raise the matter to his/her Cabinet Management Member in writing. In cases where the immediate supervisor is the Cabinet Management Member the complaint should be filed with the Chair of the Grievance Panel (Step Three). The employee and his/her immediate supervisor should make every effort to reach a resolution at Step One.

ii. Step Two: Resolution with Cabinet Management Member

If the matter is not resolved in Step One, the grievant may initiate this step by delivering a written statement to their Cabinet Management Member within five (5) business days of the conclusion of Step One.

The Cabinet Management member will review the statement and meet with the grievant in an effort to resolve the matter. The meeting will take place within five (5) business days after

receipt of the written statement by the Cabinet Management Member. The grievant and the employee against whom the grievance is directed will have the right to submit written statements and other information. The Cabinet Management Member will, within ten (10) business days after the meeting, render a written decision.

iii. Step Three: Resolution with Grievance Panel

If the matter is not resolved in Step Two, the grievant may initiate Step Three by delivering a written statement to the Chair of the Grievance Panel within five (5) business days of receiving a written decision through Step Two or at the conclusion of Step One where the immediate supervisor is the Cabinet Management Member.

The Grievance Panel will review information and meet with the grievant and other persons involved, as the panel deems appropriate, in an effort to resolve the matter. The meeting will take place within five (5) business days after receipt of the written statement by the panel. The grievant and the employee against whom the grievance is directed will have the right to submit written statements and other information and call witnesses. The Grievance Panel will, within five (5) business days after the meeting, render a written decision.

If the grievant's supervisor is a member of the Grievance Panel, or if the panel member is found to be involved with the particular grievance in a way that creates a conflict of interest, the panel will bring in a replacement member to hear the grievance.

If the grievant is not satisfied with the written decision at Step Three, he/she may make a final appeal of the matter in writing to the President.

iv. Step Four: Appeal to the President

The grievant must deliver a notice of appeal in writing to the office of the President within five (5) business days after his/her receipt of the Grievance Panel's written decision or after the decision was due to initiate Step Four.

The President will review any file on the matter and may or may not meet with the grievant and any other individuals deemed by the President to be appropriate for a fair resolution of the grievance.

After reviewing the file, the President may or may not decide to render a decision. If the President decides not to render a decision, the decision of the Grievance Panel will be the final resolution to the grievance.

5. Misuse or Abuse of the Grievance Process

Misuse or abuse of the grievance process may be, but are not limited to:

- a. Grievances intended to harass another person.
- b. The repeated submission of frivolous grievances.

Employees found by the Grievance Panel to be misusing or abusing the grievance process may be subject to limitation.

6. Selection of the Grievance Panel

The Grievance Panel will consist of three (3) members drawn from the Cabinet, Director level management or Faculty Chair level academic staff at IAIA. At least two of the panel members will not be in the direct line of supervision of the party bringing the grievance. Members will be randomly selected from the available pool of eligible staff. Membership terms will be set at the beginning of the academic year for the entire year by the President. The Grievance Panel Chair of each Panel will be selected by the serving members of the Panel. Panel membership will rotate, with members serving for one (1) academic semester.

Should a grievance process extend past the term of membership, Panel members will continue to serve until a decision is submitted.

Should a grievance be brought against a serving Grievance Panel Member, a substitute Panel member from the next scheduled rotation will be selected and brought in to hear the grievance.

XIII. LEAVING IAIA POLICIES

Employment with IAIA is employment “at will” and can be terminated by either the employee or IAIA with or without cause.

A. Voluntary Termination by Staff

Voluntary termination results when an employee voluntarily resigns his or her employment at IAIA, or fails to report to work for two consecutively scheduled workdays without notice to, or approval by, his or her manager. All IAIA-owned property, including keys, identification badges, laptop computers, cell phones, and credit cards, must be returned immediately upon termination of employment.

Staff members should advise their supervisor or the HR Director, in writing, of the resignation at least two weeks prior to the date the resignation is to take effect so that an orderly transition can be made. In the absence of a written notice from the staff member, the supervisor should provide the written notice to the HR Director, including an effective date, with a copy to the employee.

B. Unexcused Absence from Work / Job Abandonment

An unexcused absence from work or failure to return from an approved leave on the designated day without notice and/or approval from the employee’s supervisor may result in corrective action up to and including termination of employment.

An unexcused absence of more than two days will be deemed as job abandonment and voluntary resignation of employment with IAIA and is not eligible for the appeal process

C. Retirement

Retirement is an employee’s voluntary separation from employment with IAIA that may include qualification for benefits under IAIA’s deferred compensation plan under sections 403b and 457 of the Internal Revenue Code. Employees planning to retire from IAIA should notify the HR Department as soon as possible after a decision to retire has been made, but in no event less than 30 days prior to the anticipated retirement date, to assure prompt processing and an orderly transition.

D. Involuntary Separation

IAIA staff is employed on an at-will basis. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or IAIA. Nothing in this Policy and Procedure Manual shall limit the right to terminate at-will employment.

Violations of the policies and procedures are subject to the Corrective Action policy outlined in this manual. Involuntary terminations are subject to the Discharge Due Process Hearing Procedures as stated whereby an employee may appeal a termination of employment to the President and the Board of Trustees.

E. Layoff or Reduction in Force

Under certain business circumstances, IAIA may need to restructure or reduce its workforce. If restructuring operations or reducing the number of employees becomes necessary, IAIA will attempt to

provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, IAIA will take into account, among other things, operational requirements and the skill, productivity, ability, and past performance of those involved, Indian Preference, and also, when feasible, the employee's length of service. No single consideration will automatically outweigh any other, but each will be evaluated in a manner that best serves IAIA's mission and need for a comprehensive and continuing educational program. A layoff or Reduction in Force is not a termination that is subject to the Discharge and Due Process Hearing Procedures outlined in this manual.

F. Employee References

All requests for references must be directed to the HR Director. No other manager, supervisor, or employee is authorized to release references for current or former employees unless approved by the HR Director.

By policy, IAIA discloses only the dates of employment and the title of the last position held of former employees. If a former employee authorizes the disclosure in writing, IAIA also will inform prospective employers of the amount of salary or wage last earned by the employee. IAIA reserves the right to request that the employee sign a consent to release information about his or her prior employment with IAIA.

G. Exit Process

All employees separating from employment with IAIA are required to turn in IAIA property and keys, complete required forms, obtain appropriate clearances and provide the HR Department with a current address. The supervisor must verify that the exiting employee has returned IAIA equipment (such as keys, computer hardware and software, access codes, books, and the IAIA ID card). Deductions for missing equipment will be taken and appear on the final paycheck.

Employees are also asked to participate in an exit meeting with the HR Director. The HR Director usually performs the exit meeting with the separating employee on or near his/her last day of work. At the exit meeting the employee will be given information on COBRA, annual leave balances and pension options.

XIV. Confirmation of Receipt and Acknowledgement

I have received my copy of IAIA's Policy and Procedure Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the manual.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by IAIA. IAIA reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the President of IAIA, no manager, supervisor, or representative of IAIA has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the president has the authority to make any such agreement and then only in an integrated writing, signed by both the employee and the IAIA President.

I have reviewed the Equal Opportunity and Non-Discrimination Policies, understand them, and know where to file a complaint based on discrimination, harassment, and retaliation.

I understand and agree that nothing in the employee manual creates or is intended to create a promise or representation of continued employment and that employment at IAIA is employment-at-will; employment may be terminated at the will of either IAIA or myself.

My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between IAIA and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with IAIA, other than any overriding agreement which may have been entered into directly with IAIA's President.

Employee's Signature _____

Employee's Printed Name _____

Date _____.