

**South Dakota School of Mines and Technology**  
**Faculty/Staff Handbook**  
 Revised January 2018

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## **Handbook Disclaimer**

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The sole intent of this handbook is to provide all faculty and staff of the South Dakota School of Mines and Technology (the School of Mines) access to general employment-related information. This handbook is not a contract, nor does it create a contract between the School of Mines and the employee, but merely provides a consolidation of various School of Mines policies and employee benefits for ease of usage. The School of Mines reserves the right to make changes to this information at its sole discretion and/or on behalf of the State of South Dakota or the South Dakota Board of Regents at any time with or without notice.

This handbook contains very general and oftentimes condensed details and is not an exhaustive list of all employee obligations, policies, or procedures. The School of Mines reserves the right to enforce its rights in accordance with state laws and/or collective bargaining agreements.

This employee handbook replaces any previously distributed handbooks. If you have questions about this handbook or this disclaimer please contact the Human Resources Office.

## **Foreword**

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The laws of the state of South Dakota, and the policies, rules, and regulations of the South Dakota School of Mines and Technology and the Board of Regents govern all personnel of the South Dakota School of Mines and Technology. In addition, faculty unit members are governed by any existing contractual agreement between the South Dakota Board of Regents and the Council of Higher Education.

## **Human Resources Website**

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Rules, regulations, laws, policies and procedures related to your employment may be viewed in their entirety on the Human Resources website at <http://www.sdsmt.edu/Campus-Services/Human-Resources/>. Institutional position announcements, various employment forms, benefit and training information, etc., can also be accessed through this site.

## **History**

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The South Dakota School of Mines and Technology originated as the Dakota School of Mines with an act of the legislature of the Dakota Territory on March 7, 1885. When North and South Dakota were admitted to statehood in 1889, the institution was redesignated the South Dakota School of Mines. In 1943, the legislature changed the name of the college to the South Dakota School of Mines and Technology in recognition of its expanded role in new areas of technology. The legislature of the state of South Dakota established the current role of the institution in 1975 as follows:

The South Dakota School of Mines and Technology shall be under the control of the South Dakota Board of Regents and shall provide undergraduate and graduate programs of instruction in engineering and the natural sciences and other courses or programs as the Board of Regents may determine. (SDCL-13-60-1)

## Holidays

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All employees in regular positions within state government receive their regular pay for ten legal holidays plus any other day proclaimed as a holiday by the Governor of South Dakota or the President of the United States. The State of South Dakota recognizes the following holidays:

New Year's Day.....	January 1
Martin Luther King Jr. Day.....	third Monday in January
President's Day.....	third Monday in February
Memorial Day.....	last Monday in May
Independence Day.....	July 4
Labor Day.....	first Monday in September
Native American's Day.....	second Monday in October
Veteran's Day.....	November 11
Thanksgiving Day.....	fourth Thursday in November
Christmas.....	December 25

When a holiday falls on a Saturday, the preceding Friday is observed as the paid holiday for state employees. If a holiday falls on a Sunday, it is observed on the following Monday. Holiday pay is prorated based on hours worked for employees who are working less than full-time. For information about holiday pay provisions, contact the Human Resources Office.

## Leaves of Absence

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### **Annual (Vacation) Leave**

[\(SDCL 3-6C\(4-6\)\)](#) An employee deemed eligible to accrue annual (vacation) leave credits starts with the date of employment, but may not be used or paid until six months of continuous service has been completed. An employee's immediate supervisor must approve requests for annual leave before the time of departure. Leave requests may not exceed the amount accumulated.

Employees with less than 15 years of service may accrue no more than 10 hours of annual leave per month with a maximum accrual of 240 hours. Those employees with 15 years or more of service may not accrue more than 13.34 hours of annual leave per month with a maximum of 320 hours. The 15 years of service does not have to be consecutive. Regular employees who work less than full time accrue prorated annual leave based on the number of hours paid in the pay period.

An employee whose appointment has expired or who has been laid off or terminated for cause must take earned annual leave in a lump sum. If an employee who is terminating employment is on annual leave, no other type of leave may be used.

If an employee transfers, all accumulated leave must be transferred to the new department or state agency.

### **Sick Leave**

([SDCL 3-6C-7](#)) Sick leave with pay may be accrued at a rate of 9.34 hours per month for all regular full-time employees – faculty, NFE and CSA. Employees who work less than full-time shall accrue prorated sick leave based on the number of hours paid in the pay period.

Sick leave may be granted for personal illness, pregnancy and related disabilities, exposure to contagious diseases that would endanger the health of fellow employees, required eye and dental care, required medical examination, or inpatient or outpatient treatment in approved centers for alcohol, drug abuse, psychiatric, or counseling care. Employees who are on approved leave, except terminal vacation leave, and become injured or ill may use sick leave.

If you are ill, you must notify your supervisor no later than the start of your work shift. If misuse of sick leave is suspected, the institution has the authority and obligation to investigate. If you are guilty of misuse of sick leave, the time off will be charged to leave without pay and may be cause for disciplinary action. Your supervisor may, with formal approval of the Commissioner of the Bureau of Human Resources (*requests originate in the Human Resources Office*), require the employee to produce a doctor's statement to support a request for sick leave.

Upon a regular employee's voluntary resignation, one-fourth of accumulated sick leave (up to 480 hours) will be paid to employees who have worked for the state continuously for at least seven years. The accumulated leave is calculated at the current rate of pay and is paid to the employee in their last paycheck.

### **Compensatory Leave**

([BOR 4:25 Overtime](#)) Employees are determined to be eligible for overtime based on the duties of the individual position. Employees eligible for overtime compensation shall normally be paid in a combination of cash and compensatory time. Exceptions to the normal pay method may be approved by campus leadership if the budget allows. Overtime will accrue at the rate of time and one-half based on a 40-hour workweek. Employees may have their compensatory time carried forward to subsequent pay periods. However, the maximum accumulation of compensatory time is 80 hours with the exception of production workers for the College of Agriculture and Biological Sciences who shall accrue up to 160 hours. Compensatory time exceeding this maximum must be paid or used. The Board of Regents reserves the right to pay cash, at any time, to the employee for any or all accrued compensatory hours.

### **Personal Leave**

If necessary, an employee may use up to 40 hours per calendar year of *accumulated sick leave* specifically for personal leave:

- A death in the immediate family (which is defined as your father, mother, spouse, children, mother-in-law, father-in-law, son-in-law, daughter-in-law, brothers, sisters, grandparents, grandchildren, stepchildren, stepparents, or foster children);
- The temporary care of members of the immediate family;
- The birth or adoption of a child;
- Volunteer police or rescue work; and
- A call to state active duty military reserve or National Guard members.

### **Advanced Sick Leave**

An employee who has been employed by the state in a regular position for one year or more may request advanced sick leave for not more than 28 days once all other leave is exhausted. An employee requesting advanced sick leave must submit a signed request supported by a statement from the employee's doctor.

The Vice President of Human Resources, the President, and the South Dakota Board of Regents' representative must approve the request before the advance is granted. An employee who terminates employment before advanced sick leave has been repaid must repay the remaining advanced hours at the employee's current rate of pay.

### **Faculty Rescheduling**

[\(COHE 2016 - 2019 Agreement\)](#) Per COHE 21.12, the parties recognize that faculty unit members serve in professional capacities. As such, it is reasonable for them to expect to receive some latitude in rescheduling their workload, from time to time, in order to accommodate significant outside commitments. Faculty unit members may request approval from their supervisors to reschedule their assigned responsibilities in order to pursue significant outside commitments. Where rescheduling affects a faculty unit member's regularly scheduled classes, the department head may approve the rescheduling only if the faculty unit member has made suitable arrangements, consistent with accepted academic practice, to assure that student progress in the course will not be impeded by the rescheduling. The rescheduling permitted hereunder is not a substitute for any leave otherwise available to the faculty unit member; rescheduling will not be authorized to extend leave available for purposes of consulting.

### **Family and Medical Leave Act**

[\(BOR 4:15 Leave\)](#) Family and medical leave is available to an employee of the state who has worked for twelve months or more and who has worked 1,250 hours or more. Up to 12 weeks of sick leave, personal leave, vacation leave, leave without pay, or any combination of these leaves may be taken as family and medical leave for the birth or the care of the employee's newborn child; the placement with the employee of a child for adoption or foster care; the care of the employee's spouse, child, or parent with a serious health condition; or the serious health condition of the employee that leaves the employee unable to perform the functions of his or her job.

Please review the policy in its entirety and work directly with Human Resources regarding the Family Medical Leave Act.

### **Court and Jury Leave**

[\(ARSD 55:09:04:09\)](#) If an employee is subpoenaed to testify in any civil or criminal proceeding because of the employee's official capacity, the employee shall receive the employee's regular salary without loss of leave credits and may receive actual expenses according to state rates, but may not receive witness fees. If an employee is a party to or a witness in private litigation not related to his or her official capacity, the employee shall use vacation leave or leave without pay. If an employee is summoned to serve on a jury, the employee shall receive the employee's regular salary without loss of leave credits and the per diem and mileage provided for by SDCL [16-13-46](#). A state employee summoned either as a witness or a juror shall notify the employee's supervisor and the Human Resources Office at once.

### **Military Leave & Military Training Leave**

[\(BOR 4:16 Military Service and Veterans Rights\)](#) Any eligible employee of South Dakota's Unified System of Higher Education who is called for training or active duty in the uniformed services of the United States is eligible for military leave, provided the employee gives notice of his or her military obligations. In carrying out the terms of this policy and in all its dealings with employees regarding military leave issues, System complies fully with all federal and state laws granting leave and employment rights to employees serving in any branch of the military or other uniformed services of the United States.

Please review the policy in its entirety and work directly with Human Resources regarding Military Leave.

### **Leave of Absence Without Pay**

[\(BOR 4:15 Leave\)](#) Leave of absence without pay means approved absence from duty for which the employee is not paid. The leave is available to permanent employees, may not exceed twelve weeks, and must be approved by the employee's supervisor and reported to the Human Resources Office. The supervisor may submit a written request with justification for an extension of an employee's leave to the Human Resources Office. The Human Resources Office will forward the request to the Human Resources Director at the Board of Regents Office to submit the request to the Commissioner of the Bureau of Human Resources. The appointing authority for an employee of the board of regents who is exempt from the civil service act may submit a written request with justification for an extension of the employee's leave to the board of regents. Leave of absence without pay may be granted an employee even though the entire employee's accrued annual leave has not been used. No leave credits may be earned during the authorized leave of absence without pay.

### **Extended Leave of Absence**

[\(BOR 4:15 Leave\)](#) Leave of absence without pay may be granted to faculty or other Regental employees for one year, with an allowable extension not to exceed one additional year for educational reasons, employment, or experiences that would be of benefit to individuals, their disciplinary area, or administrative assignment at the institution, or in order to hold political office. A "Request for Leave without Pay in Excess of Three Months" form must be completed. This form is available online or in the Vice President for Academic Affairs Office and/or the Human Resources Office.

### **Absence Without Leave**

[\(BOR 4:15 Leave\)](#) Any employee who is absent from duty shall report the reason to his/her supervisor as soon as possible. Unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for the period of absence and also may be cause for disciplinary action.

### **Sabbatical, Faculty Member Improvement and Career Redirection Leaves**

[\(BOR 4:15 Leave\)](#) [\(COHE 21.6 Sabbatical, Faculty Unit Member Improvement and Career Redirection Leave\)](#) A faculty unit member serving on a tenure appointment may be granted sabbatical leave after six (6) or more consecutive years of full-time employment in the system. A faculty unit member serving on a tenure track or tenure appointment may be granted faculty unit member improvement or career redirection leave after three (3) consecutive years of full-time employment in the system. Approval for such leave will be contingent upon the faculty unit member presenting plans for formal study, research, or other experiences which are designed to improve the quality of service of the faculty unit member to the institution, to the Board and to the state of South Dakota..

### **Exempt Employee Professional Development Leave**

[\(BOR 4:15 Leave\)](#) An exempt employee may be granted a professional development leave after three consecutive years of full-time employment in the system. Approval for such leave shall be contingent upon the employee presenting plans for formal study, research, or other experiences which are designed to improve the quality of service of the employee to the institution, the South Dakota Board of Regents and the State of South Dakota. For purposes of this section, an exempt employee is a person who is exempt from the Civil Service system and who does not carry continuing faculty rank.

### **Donation of Leave**

[\(ARSD Donation of Leave - Recipient 55:09:04:14; ARSD Donation of Leave - Donor 55:09:04:16\)](#) Donations may be made of vacation leave and/or "accrued vested leave" to another state employee who is caring for a terminally ill family member (SDCL 3-6C-13-15) or is personally terminally ill or suffering from an acutely life threatening illness or injury (SDCL 3-6C-13-15). There are various terms and conditions that must be met in order to donate leave. For instance only "accrued vested leave" may be

donated, so if an employee has 2,080 hours of sick leave, they must first give up all sick leave hours over the “vested” amount, which equates to 1,920 hours ( $1,920 \times .25 = 480$ ). Codified law states if an employee has worked continuously for a minimum of seven years, one quarter of their sick leave, up to a maximum of 480 hours, is compensated upon an employee’s termination or retirement. In this example, the difference of 160 hours (2,080-1,920) would be forfeited before a donation of leave is made.

Donation of leave can be made to a state employee who works for any agency; however, as a Board of Regents’ institution, we are required to seek and/or donate within the Regental system first. Also, the leave being donated must come from an employee at the same or lower pay grade or rate of pay as the recipient of the leave.

If you or someone you know has exhausted their leave(s) and is in a situation of caring for a terminally ill family member or is personally terminally ill or suffering from an acutely life threatening illness or injury and must be off work, please contact Human Resources to discuss. Leave may only be donated when another state employee has met the criteria and has sought donations.

## **Time and Leave Reporting**

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**Salaried Employees** *request* their annual, sick, FMLA, jury duty, military leave and/or personal leave using the [SNAP portal](#) and request their leaves within the [SDBOR Leave Request System](#). All leaves except for holiday and administrative leave must be entered in the leave request system. Once the request is approved, the leave sheet is automatically populated with the approved hours. As a salaried employee, all leaves are recorded in eight-hour (8) increments, unless on approved FMLA. All leave sheets must be submitted by 9:00 a.m. on the 22<sup>nd</sup> of the month and leave requests must be approved prior to submission. If the 22<sup>nd</sup> falls on a holiday or a weekend, they will be due by 9:00 a.m. on the next working day. A leave sheet must be submitted monthly, even if leave has not been taken. \*Eligibility to accrue some leaves is based upon employment status, category, and number of months employed. Additionally, salaried employees are not eligible to accrue or use compensatory leave.

**Hourly Employees** *request* their annual, sick, FMLA, jury duty, military leave and/or personal leave using the [SNAP portal](#) and request their leaves within the [SDBOR Leave Request System](#). All leaves except for holiday and administrative leave must be entered in the leave request system. Once the request is approved, the timecard is automatically populated with the approved hours. The timecard must be submitted for approval by 9:00 a.m. on the 22<sup>nd</sup> of the month and the leave requests must be approved prior to submission. If the 22<sup>nd</sup> falls on a holiday or a weekend, they will be due by 9:00 a.m. on the next working day.

### **Adjustments to Hourly Employee Leave**

[\(BOR 4:25 Time and Leave Reporting\)](#) If annual or sick leave in combination with hours worked totals more than 40 hours during the work week, the amount of leave an employee must take must be reduced to bring the total hours paid to 40 hours for the week. If an employee works more than 40 hours, no leave time should be deducted from the employee’s balance, with the exception of employees who meet the criteria outlined in the following paragraph. If both sick and annual leave have been taken in a week that requires adjustment of leave, the sick leave should be adjusted before annual leave.

Work schedules will not be adjusted for employees who have reached the maximum annual leave balance and whose annual leave was approved prior to working the overtime. Hours that will prevent the employee from losing that pay period’s accrual will be paid. For example, if an employee had prior approval to take annual leave on a Friday and was required to work more than 40 hours Monday through



Thursday, the employee should be paid for the amount of annual leave requested that is necessary to prevent a loss of annual leave. Payment to employees with scheduled leave applies only to employees with maximum leave balances.

### **Alternative Work Schedule**

([SDSM&T IV-07 Alternative Work Schedule](#)) When mission requirements permit, alternative work schedules will be available to employees with the concurrence of the supervisor. The purpose of adopting an alternative or flexible work schedule is to accommodate, where feasible, the changing needs of the family, especially in regard to day care and school schedules and to allow some flexibility for employees during summer months.

The following are guidelines for administering the alternative work schedule policy.

- Core business hours are 7:30 a.m. to 4:30 p.m. Monday through Friday during the academic year. Core business hours may shift in the summer months to provide an earlier end to the work day -- 7:30 a.m. to 4:00 p.m. with employees utilizing a one-half hour lunch period rather than one hour. Sufficient staff must be available to serve the needs of the students, public and the administration.
- Any change in scheduling should allocate at least a one-half hour lunch break every day.
- Alternative work schedules must be arranged with the concurrence of the immediate supervisor as well as the executive council member responsible for the employee. Employees and supervisors are encouraged to establish consistency in the time an employee is available to the public and co-workers. All approved alternative work scheduled need to be filed with the Human Resources Office.
- Supervisors will make every effort to allow employees to work the predetermined schedule, however, if unforeseen circumstances and/or workload issues arise, the schedule may need to be changed to address those needs.
- Employees working other than an eight hour day will be required to adjust their flexible work schedule with the concurrence of the immediate supervisor during weeks in which a holiday falls.

### **Educational Release Time**

([BOR 4:17 Educational Release](#)) All full-time overtime eligible non-faculty employees of the Board of Regents with one or more years of continuous full-time service immediately prior to the academic census date may request approval to take up to three-clock hours per week of class work without being required to make up this time. Employees should forward requests (available online under HR forms) through their supervisor to their next level supervisor. Either supervisor can deny the request. All hours over the three-clock hours limitation must be made up. If time off is allowed to attend classes, the supervisor must assure that the job requirements are met. If the projected workload requires that projected overtime be worked for that semester, then the supervisor should not approve the educational release time. In the event the class is offered during off hours, on the Internet via asynchronous, or on weekends during that semester, then the release time may not be approved. All hours approved for release time will not be counted toward overtime and must be placed on the employee time sheet as paid educational leave.

All full-time employees exempt from the overtime provisions of the Fair Labor Standards Act with one or more years of continuous service immediately prior to the academic census date may also request permission to enroll in classes held during normal business hours. As with overtime-eligible employees, the request (available online under HR forms) must be approved by the employee's immediate supervisor and their next level supervisor. If time off is allowed to attend classes, the supervisor must assure that the job requirements are met.

### **Private Practice and Consultation**

([BOR 4:19 Private Practice, Consultation, or Outside Employment](#) ; [COHE 10.5 Private Practice and Consultation](#)) Faculty, exempt, and CSA employees who propose to enter into private practice, private consulting, private teaching or research, or other activity for which compensation is received from external sources during the period when the employee is under contract to the School of Mines will submit a request/report. A request and report is needed for each such activity that will involve release time or the use of institutional facilities, materials, or personnel. The request form should be completed on a fiscal year basis for each client/activity.

A higher education faculty member who enters into private practice, private consulting, additional teaching or research, or other activity for which additional compensation is received during the faculty member's contract period, and excepting as next provided, will not contract to devote more than four days per month on such activity if said activity requires the faculty member's absence from duties. Such consultation and related activity privileges shall be cumulative to a maximum of six days, with all accumulated time to terminate with the end of the faculty member's contract period. The activity for which the individual is released must be substantially and significantly related to assigned duties. Such activity must promote state and local economic development or must benefit the professional discipline and development of the individual, all as shall be determined by the President under such guidelines and restrictions as are established from time to time by the South Dakota Board of Regents.

For additional information, refer to BOR 4:19, "Private Consultation/Practice," and 4:35, "Conflict of Interest" and Council of Higher Education (COHE) Agreement 10.5, "Private Practice and Consultation." The request form can be downloaded from [SDSMT Request to Consult form](#), or hard copies can be obtained from the Vice President for Academic Affairs Office or the Human Resources Office.

### **Breaks**

Your supervisor sets your schedule and hours of work. CSA employees may take a 15-minute break in the morning and again in the afternoon if employees' workload permits and they have supervisor approval. Breaks are not guaranteed, cannot accumulate for purposes of making up time or taking time off, and employees must remain available and accessible during breaks to provide for the needs of the department.

## **Employee Responsibilities**

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### **Attendance**

Your supervisor sets your schedule and hours of work and you are expected to adhere to these hours and schedules unless other arrangements are made between you and your supervisor.

### **Work Week and Office Hours**

The School of Mines' work week is Sunday through Saturday and regular office hours are 7:30 am to 4:30 pm during the academic year. During the summer months office hours are 7:30 am to 4:00 pm.

### **Change of Address**

It is the employee's responsibility to update any change in a home address or telephone number. It is extremely important that you make the change as soon as it occurs because your health benefit information and/or reimbursements do not forward from your old address. Address changes can be made in the Human Resources Office.

### **Political Activity**

([BOR 4:21 Political Activity](#)) Faculty and other Regental employees may seek and hold elective political office subject to certain conditions.

- A faculty member or other Regental employee, both during any election campaign and during the term of any part-time office to which the employee may be elected, is required to make specific arrangements satisfactory to the president or superintendent to assure that his or her regular duties are performed without additional cost to the institution.
- Following election to any full-time public office, a Regental employee must arrange for leave without pay according to the provisions and limitations described under leaves of absence.
- While faculty and staff members are guaranteed all constitutional rights of citizens, including participation in political activities, Regents' policy forbids involvement of the institution in those activities. Therefore, the use of campus telephones, email, stationery, and other facilities to solicit money or support for political candidates must be avoided. Such prohibition is solely intended to protect the institution from identification with partisan political activities.

### **Travel Reimbursement**

([SDSM&T Purchasing](#)) If your job requires you to travel away from your home station, you will be reimbursed for food and lodging in accordance with state rates once a travel payment detail form is completed and returned to Purchasing.

### **State ID Cards**

For employees who travel, a current state identification card is required at in-state motels/hotels to receive state rates, and can be obtained from the Human Resources Office.

### **Smoke-Free Environment**

([SDSM&T IV-08 Smoke, Vapor, and Tobacco Free Campus](#); [BOR 4:29 Smoking](#)) In order to protect and promote the health and comfort of college students, employees and visitors, smoking, vaping, and tobacco use of any kind is prohibited on the entire interior of the campus including campus buildings, residence halls, grounds and parking lots. Smoking, vaping, and tobacco use is allowed in personal vehicles in designated parking lots on the perimeter of campus. No sale or give away of smoking, vaping, or tobacco products is allowed on campus. Employee violations should be reported to Human Resources and/or the immediate supervisor of the employee, if known, for appropriate disciplinary action. Student violations should be reported to the Dean of Students Office for appropriate disciplinary action.

### **Drug Free Workplace**

([BOR 4:27 Drug Free Environment](#)) The South Dakota Board of Regents is committed to providing a drug free workplace. Additional regulations may be found in sections 4.14.2(F). It is the intent of the Board that all employees regardless of their faculty, exempt or civil service status be subject to the policies set out in those provisions.

### **Employee-Employee and Faculty-Student Consensual Relationships**

([BOR 1:23 Employee-Employee and Faculty-Student Consensual Relationships](#)) When individuals exercising power delegated by the Board make work-related or academic decisions about people with whom they have sexual relationships, their conduct may give rise to the appearance, if not the reality, of favoritism or other self-serving motive. Even the appearance of such improper motives can diminish the confidence that students and employees have in the integrity of institutional decision-making and thereby disrupt the institutional workplace or academic processes. While the state and federal constitutions generally limit the power of government to regulate intimate relationships, government may impose reasonable restrictions to assure that actions taken on behalf of the people are free from actual or apparent favoritism or other self-serving motives.

The Board already has adopted regulations that address similar concerns that arise when individuals supervise close family members, Board Policy No. 4-22, or when individuals indulge in conduct that amounts to harassment, Board Policies No. [1-17](#) and [1-18](#).

### **Lactation/Breastfeeding in the Workplace**

[\(BOR 4:45 Lactation/Breastfeeding in the Workplace\)](#) An employee shall be allowed break times to express breast milk for her nursing child for 1 year after the child's birth. Employees may need, but are not limited to, 2-3 fifteen minute breaks each 8 hour day for this purpose. If additional breaks are needed the employee should discuss the need with the supervisor and/or a Human Resources representative. Please see the [BOR 4:45](#) for specific details of breaks.

Each institution shall provide at least one room, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. To protect the employee's privacy, the space shall be able to be locked from the inside. A sign shall be provided that the user may place on the door while in use to protect privacy. The space shall include a chair, and an elevated surface to set lactation equipment. Requests for alternative spaces may be considered by the institution on a case by case basis. In these cases, the cost of repurposing the space may be the responsibility of the employee. Repurposing any space must be completed in accordance with institutional design guidelines standards.

The institution is only responsible to clean the space in accordance with their normal cleaning standards. The employee is responsible to clean all appropriate surfaces following each use of the space. The institution will provide an appropriate antibacterial cleaning solution and towels. The employee is responsible for cleaning lactating equipment and to provide the means to store the expressed milk. For public health reasons, public refrigerators may not be used to store expressed milk.

An employee may use a University/Special School/Administrative designated lactation area to breastfeed her child who has been brought to her during her rest breaks by a care provider or another such individual. A supervisor may allow an employee to use a private area in the work place, as identified in this policy, for breastfeeding during rest periods if such use of the space is compatible with operational needs and workplace safety considerations. Should the supervisor have concern about the child being in the workplace due to potential safety or worksite issues, the supervisor is to confer with the Office of Human Resources (see BOR Policy 4:41). In all cases, the supervisor has a responsibility to take into consideration the immediacy of the employee's need when making lactation support arrangements.

The employee shall provide reasonable notice to her supervisor that she intends to express milk in order to allow the supervisor sufficient time to make arrangements necessary to comply with this policy. The supervisor must take into consideration the immediacy of the employee's need when making these arrangements.

### **Children in the Workplace**

[\(BOR 4:41 Disruption of Workplace Setting\)](#) Children of the School of Mines' faculty and staff members and student employees shall not be present in the workplace for extended periods of time or on a regular basis. While it is recognized that on rare occasions, children of faculty and staff members may visit the university for short periods of time it shall not be the practice of any faculty or staff member to allow their children to reside in their classroom, office, or any other area of the university, as this practice is disturbing to other employees, to students, and the general public, and also creates liability risks which the School of Mines cannot assume. The intent of this directive is to eliminate the regular one or two days per week, or everyday occurrences when children are in the workplace.

### **Nepotism**

([BOR 4:22 Nepotism](#)) This policy governs the supervision of close relatives by employees. For purposes of this policy, close relatives are: spouses, children (whether natural or adopted), mothers, fathers, mothers-in-law, fathers-in-law, daughters-in-law, sons-in-law, brothers, sisters, grandparents, grandchildren, stepchildren or stepparents, and other persons where circumstances establish the existence of close bonds of affection characteristic of the foregoing relationships.

### **Outside Employment**

([COHE 9.5 Private Practice and Consultation](#); [BOR 4:19 Private Practice, Consultation, or Outside Employment](#)) Employees are entitled to outside employment, provided that, in the opinion of your appointing authority, there is not conflict with your working hours, your work efficiency, or conflict with the interests of state government.

### **Dual Compensation**

([SDSM&T IV-06 Dual Compensation](#)) Dual compensation is prohibited in South Dakota codified law 3-8-4 with exceptions noted in sections 3-8-4.2.

- Except under conditions noted in section 3-8-4.2, no person receiving a salary payable out of the state treasury or from the funds of any state institution or department, may, during the period for which such salary has been or is to be paid, receive any other salary from the state or any institution or department thereof.
- If there is a potential for dual compensation through consulting work or other activity for other state agencies, please seek assistance from the Human Resources Office.

## **Compensation**

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### **Mandatory Payroll Direct Deposit**

([BOR 4:36 Payroll Practices](#)) All Board of Regents employees, except where prohibited by law, shall make arrangements to receive payroll payments via Automated Clearing House (ACH) direct deposit. Campus administration may make exceptions to this only for short-term employees. Employees may request additional direct deposit accounts; however, each account must be associated with a financial institution for checking or saving accounts. Work-study students are excluded from this mandate.

### **Paycheck/Deposit Stubs**

([BOR 4:36 Payroll Practices](#)) Employee direct deposit stubs are emailed to their institutional email address as well as displayed on their SNAP portal account. Student paychecks stubs are picked up at the Student Accounts/Cashiering Office in Surbeck Center. Their direct deposit stubs are also emailed to their institutional email address.

### **Pay Periods**

([BOR 4:36 Payroll Practices](#)) All employees are paid one time per month, on the last working day of the month. The pay period is from the 22<sup>nd</sup> through the 21<sup>st</sup> of the next month. The deferred pay option is available to all salaried non-faculty exempt employees and faculty members who work less than 12-month contracts. The [Deferred Pay Option](#) form can be completed and returned to the Human Resources Office; for more information regarding this option and/or implementation requirements contact Human Resources.

### **Overtime Pay**

[\(BOR 4:25 Overtime\)](#) Employees are determined to be eligible for overtime based on the duties of the individual position. Employees eligible for overtime compensation shall normally be paid in a combination of cash and compensatory time. Exceptions to the normal pay method may be approved by campus leadership if the budget allows. Overtime will accrue at the rate of time and one-half based on a 40-hour workweek. All overtime eligible employees' overtime pay is calculated and tracked on the employee time sheet on the [SNAP](#) portal. Please refer to "Compensatory Leave" for further details.

### **Standard Deductions**

The following deductions are made from employee's paychecks:

- Federal Income Tax - The amount deducted is determined by your tax bracket and the number of deductions you claim on your W-4 withholding form;
- Social Security/Medicare - The percentage is set forth by the United States Congress and currently is 7.65%;
- State Retirement -All School of Mines benefited employees are required to participate in the South Dakota Retirement System at a contribution rate of 6%.

### **Voluntary Deductions**

[\(Employee Benefits Information\)](#) Several deductions have been authorized by the Bureau of Finance and Management and will be made at your request:

- Group Health Insurance – Pre-tax premiums for spouse and/or children are dependent upon the plan chosen, is age graded with the spouse's age, and the number of covered dependent children.
- Life Insurance -- The state provides free term life insurance to its permanent benefited employees in the amount of \$25,000. You may purchase additional term insurance up to five times your annual salary to a maximum of \$400,000. Dependent life insurance is also available for purchase.
- Pre-tax deductions - The state offers a pre-tax deduction for all flexible products, such as childcare, dental, vision, major medical, medical expense account, etc.
- Employee's organization dues – COHE, SDEA, etc.
- Employee's donations -- Foundation, United Way, etc.
- Tax-sheltered annuities – 403(b), 457

If you have any questions regarding the standard or optional deductions, contact the Human Resources Office.

### **Workers' Compensation**

[\(Workers' Compensation\)](#) and [First Report of Injury Electronic Form](#)) If you are injured or contract a disease peculiar to your employment and the injury or disease arose out of and in the course of your employment, you must report it in writing within **SEVEN** working days. Report the circumstances of the injury or disease to your supervisor **and** the Human Resources Office and file your claim via the [First Report of Injury Electronic Form](#). Within seven working days after the employer has knowledge of the occurrence of an injury, a report shall be made electronically to the Worker's Compensation Division of the Bureau of Human Resources. Failure by the employee to file the claim on time may result in denial of the claim. Failure to file the proper forms on time by the employing department can result in a Class II misdemeanor. You should keep in contact with the Human Resources Office to ensure a claim is properly filed.

For additional information and/or to report injuries contact the Human Resources Office.

### **Longevity Pay**

[\(Longevity Pay Schedule\)](#) Longevity pay is a reward for years of service to the State of South Dakota. It is a way to recognize experienced and dedicated state employees. Longevity pay is based on the total number of years worked for the state. The years of service need not be continuous. Employees with seven through ten years of service receive a \$100 longevity check once per fiscal year. The rate increases by every year after the first ten years of service.

For example, for years 11 through 14, the amount is \$10 times the years of service. For 15 through 19 years of service, the amount is \$15 times the years of service [i.e. an employee with 14 years of service will receive \$140 (\$10 x 14 years) longevity payment (minus deductions), and an employee who serves for 22 years will receive a \$440 (\$20 x 22 years) longevity payment (minus deductions).]

### **Longevity Pins**

For ten or more total years of service, employees receive a lapel pin of the great seal of South Dakota. Pins are awarded at five-year increments: 10, 15, 20, 25, 30, and 35 years. In addition, employees with 30 years of service will receive a wall plaque.

## **Terms and Conditions of Employment**

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All institutional personnel ([BOR 4:1 General Terms and Appointments](#)) will be employed upon the recommendation of the president or superintendent of the institution and upon the approval of the Board of Regents. Before a campus appoints a candidate who has been employed by a Board of Regents institution AND who has been either terminated or allowed to resign in lieu of being terminated, the institutional executive officer and the board office shall be advised of the circumstances surrounding the separation. If a candidate is currently employed by an institution and applies for another position in the system, the employee's institutional human resource office or academic affairs office, as appropriate, will share job-related information with the requesting academic or human resource office in the system.

All non-faculty exempt personnel will be employed upon the recommendation of the president or superintendent of the institution and approval of the Board of Regents. Upon Board approval, institutions shall issue contracts to its non-faculty exempt staff. Non-faculty exempt contracts may not be more than one year in length. Benefit eligible non-faculty exempt employees may be reassigned without cause to positions considered equivalent or lower in stature during their contract period, so long as the employee's salary is not decreased during the term of the then-current contract. An employee's contract may be terminated for cause at any time during the term of the contract in accordance with BOR policies.

### **Other Employment Governance**

**Civil Service Act** ([BOR 4:1 General Terms and Appointments](#)) – All Civil Service employees are subject to Bureau of Human Resources Rules and Regulations. Activities within the Civil Service System (ARSD 55:10 [Civil Service Act](#)) are also governed by SDCL § 3-6 and the Joint Powers Agreement between the Civil Service Commission and the South Dakota Board of Regents.

**Faculty** ([COHE Agreement](#)) Agreement between the South Dakota Board of Regents and the Council of Higher Education (COHE) governs faculty terms and conditions of employment.

## **Health, Life, and Flexible Benefits**

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All employees in regular, non-temporary positions of the State of South Dakota with the exception of employees who work less than 20 hours per week are covered by the state's group health and life plan. Covered employees' dependents are also eligible for the coverage at the employees' expense and may be included under one of the plan options. Employees may choose to opt out of the state's health plan if they can provide proof of coverage under another group health plan.

PLEASE NOTE: The open enrollment period occurs each spring, at which time you can make changes to your benefit choices.

The state's plan is based on the premise of medical necessity. Employees are expected to take good care of their own health. However, in the event of injury or illness, the plan is available to offset major diagnostic and treatment costs. The plan does cover preventative cancer screening procedures.

For additional information about the state's health plan, contact the Human Resources Office or visit the Bureau of Human Resources's Benefits Program web site at <https://benefits.sd.gov/>.

### **Life Benefits**

The state offers \$25,000 of basic employer-paid term life coverage to its employees. In addition to the employer-paid coverage, you may also purchase additional amounts of supplemental group term life coverage up to five times your annual salary level or \$400,000, whichever is less. A nominal amount of term life coverage is available for your dependents if you participate in the supplemental program. For information, contact the Human Resources Office.

### **Flexible Benefits Plan**

The Flexible Benefits Plan was implemented by the state to provide you with an opportunity to reduce your taxes and increase take-home pay. You can pay for certain benefits and expenses through the plan and reduce your actual cost. The cost saving advantage of the plan is simple: most premiums you pay for through the plan are tax-free.

How the plan works:

1. Tax-free deductions are taken out of your gross pay. Each pay period, all tax-free premium deductions for benefits you have chosen are taken out of your paycheck before federal income tax and Social Security are calculated.
2. After all premiums have been deducted, federal income tax and Social Security are calculated on the remainder of your salary.
3. The following benefits and expenses may be purchased tax-free:
  - a. Premiums paid for dependent coverage under the state group health plan;
  - b. Dental and vision coverage for you and your eligible dependents;
  - c. A medical or child-care spending account where your deposits are computer tax-free. Both accounts work like a checking account: you deposit tax-free money into your account each pay period, then you make tax-free withdrawals to reimburse yourself as you incur out-of-pocket medical expenses or daycare expenses;
  - d. Major injury plan for you and your eligible dependents;
  - e. Hospital indemnity plan for you and your eligible dependents; and



- f. Payroll-deducted premiums for certain cancer and intensive care plans.
- 4. A short-term disability plan is available for employees on an after-tax basis.

For additional information, contact the Human Resources Office.

### **Family Status Change**

In the event you have a qualifying family status change (marriage, divorce, birth, pending birth, death, adoption, beginning or ending spouse employment, eligibility of your dependent, or change in day care provider, etc.) please contact Human Resources Office as soon as you have such an event planned or occur.

In addition to changing your health benefits with a family status change, it would also be wise at this time to review whether or not you need to make changes with your beneficiary, retirement, address, emergency contact number, etc.

## **Promotion of Your Health**

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State employees have several opportunities to become more actively aware of their personal health and health-related issues. Since the state is self-insured, health care claims directly affect the amount of dollars, which are available for state employees' salaries. Employees play an active role in monitoring and controlling health care costs.

[Employee health screenings](#) are periodically conducted throughout the state by qualified health professionals. An employee can choose to be tested for blood cholesterol, blood pressure, blood sugar, and body composition. If abnormal results are found, on-site education is conducted and a follow-up letter will be sent to the employee encouraging him/her to contact his/her doctor.

Other benefits include an [annual flu vaccine](#) for benefited employees and their dependents who are participants in the state's health plan, discounts at wellness or fitness facilities, and the *Benefits News* newsletter that is electronically sent to all employees.

## **Training**

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The Human Resources Office emails the campus a variety of training courses that are offered to all employees by the [Bureau of Human Resources Training Program](#) Bureau of Human Resources Training Program. Included are professional development training, computer training, and other work-related training opportunities. The training calendar is available through (<http://bhr.sd.gov/training/mastercalendar.aspx>) or the Human Resources Office.

Additional training opportunities presented by SkillPath, CareerTrack, Fred Pryor, etc., are available in the Human Resources Office, or if you are looking for something particular please contact the HR Office for assistance.

Human Resources also hosts a monthly lunch-n-learn session. These trainings are 60 minutes in length and cover a variety of professional development topics. Monthly emails are sent to all-staff announcing the development opportunities.

## **Resignation and Retirement**

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If you decide to leave your current position, you are asked to give your supervisor a written notice (copy to the Human Resources Office) of your intent to leave the university at the earliest possible moment in order to assist the university to prepare for your departure and/or replacement.

To be eligible for unreduced retirement benefits, normal retirement age is 65 with at least three years of credited service under the [South Dakota Retirement System](#) (SDRS). Your normal retirement date is the first of the month of your 65<sup>th</sup> birthday. However, there is no mandatory retirement age in state government.

There are several opportunities to retire before your normal retirement date, depending on your age and years of service. The SDRS also provides disability coverage for employees who have three years of credited service or for employees who are accidentally disabled while performing the usual duties of their job. If you cannot work because of a disability that is expected to last one year or longer, you may be eligible to receive a monthly benefit from SDRS.

For additional information regarding your retirement benefits, contact the South Dakota Retirement System at (605) 773-3731 or toll free at 1-888-605-SDRS.

## **Planning, Performance, and Review**

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### **CSA Probationary Period**

([ARSD 55:10:05 Probationary Period](#)) New employees must serve a probationary period when they begin employment. The probationary period lasts for the first 1,040 regular hours of work, excluding overtime. This amounts to six months for full-time employees who have not taken leave without pay during the probationary period. During the probationary period, you accumulate annual (vacation) and sick leave. You may use your accumulated sick leave as needed, but you may not use annual (vacation) leave until you have completed six months of probationary period. You are not eligible for payment of annual (vacation) leave if you leave employment during the probationary period.

You may be dismissed at any time during the probationary period. Your only right to appeal a termination during the probationary period is on the basis of a prohibited form of discrimination. During your probationary period you will have two formal reviews of your performance. For full-time employees, evaluations will be conducted at the end of three and five months of employment. For employees working less than full-time, evaluations will be conducted at the end of approximately 520 hours and 860 hours worked. Following successful completion of our probationary period, you achieve status in the Civil Service.

### **CSA Performance Evaluations**

CSA employees are evaluated using the State of South Dakota's pay for performance evaluation, otherwise known as ACES. ACES is a documentation-based performance evaluation tool that allows CSA employees to be paid for performance in addition to any market or cost of living increases that are determined by SD State legislature. The overall goal for ACES is to allow the supervisors to accurately evaluate work performance, as well as allow the employee to provide input in evaluating their own performance.

The ACE system is comprised of several ratings for both Accountabilities and Competencies for each position. Accountabilities are based on the employee's current job duties, while 8-10 Competencies are selected by the supervisor.

The annual review period is January to December each year. Initial ratings must be submitted to Human Resources early December each year for review; annual performance evaluations are conducted the following January.

CSA probationary employees will meet at the end of three and five months of employment. If the performance reviews reflect that they are progressing well within the position, the supervisor will recommend them for permanent status at the end of the probationary period. However, if their performance is not progressing well, they may be let go while on probation at any time. A probationary employee has no employment rights, other than the right to appeal a termination during the probationary period on the basis of a prohibited form of discrimination.

### **Exempt (Non-Faculty) Employee Performance Evaluations**

[Performance Planning and Review \(PPAR\)](#), is the utilized for evaluating NFE employee performance. Permanent employees meet with their supervisor annually, by March 15<sup>th</sup>, to review their performance during the past review period and to plan for their next review period.

For additional information, contact the Human Resources Office.

### **Faculty Evaluations**

[\(COHE 12 - Evaluation\)](#) Faculty unit member evaluations are conducted annually and are a joint concern of the faculty and the administration. The purpose of the evaluation will be to:

- Promote positive communication between faculty and administration.
- Increase awareness of institutional program objectives and needs.
- Provide information for decisions on professional training, staff improvement programs and those conditions, which promote quality performance.
- Provide basic information for personnel decisions such as discipline, contract renewal, salary and pay matters, tenure, and promotion.

Refer to for complete evaluation procedures and time lines.

## **Layoffs/Reduction of Force**

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### **CSA Employees**

#### **(BOR 4:24 Reduction in Force - Civil Service Employees)**

Layoffs may be isolated to a classification in a work unit or geographic location within an institution. Layoffs shall be recommended by the president/superintendent to the Board of Regents. No layoff action, except for those of forty (40) hours duration or less, may commence prior to notification of the Regents' office. The reasons justifying a layoff include:

- Legislative action;
- Shortage of funds or work, or loss of enrollment;
- Change in the duties of the organization;
- Internal reorganization resulting in the elimination of a position;
- Executive action;

- Inefficient or non-productive position.

An employee shall be given a minimum of fourteen (14) calendar days written notice prior to effective date of layoff. Layoffs of forty hours duration or less and reduction of hours for less than four weeks do not require the fourteen calendar day notice.

### **CSA Reemployment Consideration**

([ARSD 55:10:02:09 Reemployment Rights](#)) A status employee who has been notified of a layoff, a termination pursuant to § 55:10:09:02, or a demotion in lieu of layoff pursuant to § 55:10:06:05 or who has had regular working hours reduced pursuant to § 55:10:09:01 may be placed on a certification for any position for which the employee applies and qualifies as a certified applicant. Any certified applicant who has requested reemployment consideration shall be identified on the certification as an applicant who must be interviewed by the appointing authority. The employee shall submit a request for reemployment consideration within 45 days after layoff, termination, or demotion to the commissioner. Eligibility for reemployment consideration expires one year from the effective date of the layoff, termination, or demotion. If an employee requests reemployment consideration before the effective date of layoff, termination, or demotion, reemployment consideration expires one year from the date of the request. If an employee is reemployed in a permanent position with hours comparable to the employee's previous job within one year of layoff, termination, or demotion, eligibility for reemployment consideration expires on the date of reemployment.

For positions within the South Dakota Board of Regents this right will be disclosed within the [Online Employment System](#) during the electronic application processing.

### **Exempt Employees**

([BOR 4:33 Reduction in Force—Non-Faculty Exempt Employees](#)) Non-faculty exempt employees may be laid off at any time for the following reasons:

- Legislative action;
- Loss of grant, contract, or other funding;
- Governor's executive order; or
- Reorganization. A Board of Regents appointing authority may only use this as a means to lay off an employee for such occasions as privatization, the movement of a function to another state agency, the elimination of an organizational function, the consolidation of departments or functions, or a reduction in a program's activities.

The employee shall be given a minimum of fourteen (14) calendar days written notice prior to the effective date of the layoff or reassignment.

### **Faculty**

([BOR 4:23 Reduction in Force – Faculty and Research Faculty](#)) If, in the judgment and discretion of the Board, it becomes necessary to terminate the contractual rights of faculty members because of governmental action, significant loss of enrollment, consolidation of departments, or other reorganization, dropping of courses, programs, or activities, or financial exigency, or for other valid reasons including those beyond the control of the Board, the Board may, notwithstanding any other policy of the Board, terminate the contracts of faculty members in accordance with the provisions of this section.

## **Disciplinary Action**

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### **CSA Employees**

### **Notice Of Intended Disciplinary Action**

[\(ARSD 55:10:07:03 Disciplinary Actions\)](#) The appointing authority may discipline a status employee for cause at any time. Before a status employee is disciplined the appointing authority shall give the employee verbal or written notice and an opportunity to present reasons, either in person or in writing, why the proposed action should not be taken. The appointing authority shall provide the employee with a verbal or written statement of the specific reasons for the proposed action and shall advise the employee when the employee must respond.

Prior to imposition of any intended disciplinary action, the employee may be suspended with pay until the meeting, receipt of written response or waiver by the employee of the right to respond. The disciplinary action may be taken only after the meeting or receipt of a written response or after waiver of the right to respond.

The appointing authority shall give the employee written notice of the decision, with a copy to the Board of Regents, within five working days after the date of the meeting or the date of the employee's written response, whichever occurs later. The notice shall advise the employee of the departmental grievance procedure.

### **Work Improvement Plan**

[\(ARSD 55:10:07:02 Disciplinary Actions\)](#) If, in the performance of the duties of the employee's position, an employee's work is unsatisfactory, the appointing authority shall issue to a status employee a written notice that disciplinary action will be taken unless performance improves. The notice shall outline the duration of the work improvement period, the areas where performance is unsatisfactory, and the level of performance that is expected. A work improvement period shall be at least 30 days and may not exceed six months. If performance has not reached acceptable levels after completion of the work improvement period or if at any later date performance falls below standard, the appointing authority may take disciplinary action. An employee who is serving a work improvement period may be disciplined during the work improvement period for violations of § 55:10:07:04. A placement on a work improvement plan or notice of unsatisfactory work performance is not appealable. However, any action taken as a result of unsatisfactory completion of the work improvement period may be appealed to the commission. This section does not apply to action taken pursuant to § 55:10:09:02.

### **Causes for Disciplinary Action**

[\(ARSD 55:10:07:04 Disciplinary Actions\)](#) Disciplinary action under this section may be taken for conduct within or outside the scope of employment. Disciplinary action may be taken for just cause as reported to the commissioner, including the just causes listed in this section:

- (1) The employee admitted to committing, or has committed based on reasonable grounds, or was convicted of a felony, any sex offense, or any crime involving illegal drugs or illegal use of legal drugs, whether the felony, offense, or crime occurred prior to or during employment with the state;
- (2) The employee has committed or contributed to any act of brutality, cruelty, or abuse to an inmate, prisoner, resident, or patient of an institution, to a person in custody, or to other persons, whether the conduct occurred prior to or during the course of employment, if the act committed was not necessarily or lawfully done in self-defense, to protect the lives of others, or to prevent the escape of a person lawfully in custody;
- (3) The employee has violated any of the provisions of SDCL chapter 3-6D or this article;

- (4) The employee has violated any department, division, bureau, or institution regulation, policy, or order or failed to obey any oral or written directions given by a supervisor or other person in authority;
- (5) The employee has consumed alcohol or other intoxicants or unauthorized controlled substances while on duty or is impaired while on duty or while operating state equipment or has unlawfully manufactured, distributed, dispensed, possessed, or used a controlled substance in the workplace;
- (6) The employee is guilty of insubordination;
- (7) The employee disrupts the efficiency or morale of the department;
- (8) The employee is careless or negligent with the money or other property of the state or property belonging to any person receiving services from the state or has stolen or attempted to steal money or property of the state or property belonging to any person receiving services from the state;
- (9) The employee has used, threatened to use, or attempted to use personal influence or political influence in securing employment, promotion, leave of absence, transfer, change of pay rate, or change in character of work for the employee or others;
- (10) The employee has induced or has attempted to induce an officer or employee of the state to commit an unlawful act or to act in violation of any department, division, bureau, or institution regulation or order;
- (11) The employee, in the course of work or in connection with it, has taken from any person for personal use a fee, gift, or other valuable thing when the fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons;
- (12) The employee has engaged in outside business or personal activities on government time or has used state property for those activities in violation of § 55:10:01:06;
- (13) The employee has failed to maintain a satisfactory attendance record based on the established working hours or has had unreported or unauthorized absences;
- (14) The employee made a false or misleading statement or omitted relevant information during the application and selection process;
- (15) The employee has misused or abused leave;
- (16) The employee has intentionally falsified a state record or document;
- (17) The employee failed to maintain the minimum requirements for appointment as established by a law enforcement agency;
- (18) The employee has harassed another person in the course of employment;
- (19) The employee has violated statutes or standard work rules established for the safe, efficient, or effective operation of the agency;

- (20) The employee discriminated against another person in the course of employment on the grounds contained in SDCL 20-13-10 or has taken wrongful actions against another person that affect the vicarious or imputed responsibility of the state or any other state employee;
- (21) The employee has failed to notify the appointing authority within five days after a conviction of a violation of a criminal drug statute occurring in the workplace;
- (22) The employee has failed to obtain, renew, or maintain a license or certification necessary to perform the duties of the employee's position;
- (23) The employee failed or refused to take a drug test administered pursuant to SDCL chapter 3-6F or 49 C.F.R. Part 382 (December 1, 1995);
- (24) The employee has failed to complete the counseling program outlined in § 55:10:02:10;
- (25) The employee has been found unacceptable as a result of an employment screening conducted by the appointing authority, the Bureau of Human Resources, or an authorized representative; or
- (26) The employee has engaged in conduct, either prior to or during employment with the state that reflects unfavorably on the state, destroys confidence in the operation of state services, or adversely affects the public trust in the state.

If you have specific questions regarding other causes for discipline, contact the Human Resources Office.

**Code of Conduct (NFE Employees)**

[\(BOR 4:44 Administrators, Professional and Student Employees \[Non-faculty Exempt\] Code of Conduct/Misconduct Policy\)](#) In order for the Board of Regents to maintain an effective orderly, safe and efficient work environment, this policy governs the Code of Conduct/Misconduct of Non-faculty Exempt (Administrators, Professionals and Students) employees. Most violations, as well as poor or unacceptable work performance, are handled in accordance with the steps outlined in the policy.

With full recognition that there exists traditionally recognized and accepted standards of conduct for employees within the Regental System, the following rules of conduct, though not all inclusive, shall be deemed to be within such recognized standards:

- A. The employee has violated any Board of Regents or institutional policy
- B. The employee violated confidentiality or non-disclosure agreements;
- C. The employee disrupts the efficiency or morale of the department;
- D. The employee is careless or negligent with the money or other property of the state or property belonging to any person receiving services from the state or has stolen or attempted to steal money or property of the state or property belonging to any person receiving services from the state;
- E. The employee has failed to maintain a satisfactory attendance record based on the established working hours or has had unreported or unauthorized absences;
- F. The employee has made a false or misleading statement or intentionally omitted relevant information during the application and selection process;
- G. The employee has intentionally falsified a state record or document;
- H. The employee has violated statutes or standard work rules established for the safe, efficient, or effective operation of the campus;
- I. A failure to correct deficiencies in performance in compliance with a constructive plan.

- J. A substantial breach of recognized published standards of professional ethics for the employee's profession.
- K. Conviction of any felony or the conviction of a misdemeanor involving moral turpitude.
- L. Unauthorized absence from duties without prior notification or justifiable cause or excuse for the absence.
- M. The unlawful or unauthorized manufacture, distribution, dispensing, possession or use of alcohol or controlled substances while on duty or while on premises owned and controlled by the Board of Regents or used by the Board of Regents for educational, research, service or other official functions.
- N. The wrongful refusal or failure to follow or comply with lawful orders or instruction of a superior, unless such instruction or order is in contravention of applicable provisions of a collectively bargained agreement, statute or regulation.
- O. The use of alcohol, marijuana, or other controlled substances, which significantly impairs performance of duties.
- P. Theft of state owned or controlled property.
- Q. Harassment of students or employees as defined in BOR Policy 1:17.
- R. Intentionally and wrongfully counseling, inciting, or participating in validly proscribed student or faculty conduct activity.

**Faculty Code of Conduct – Discipline – Just Cause**

**(COHE 15.1 Code of Conduct – Discipline – Just Cause)**

15.1 Preamble -- The parties acknowledge that the general faculty of the South Dakota system of public higher education has maintained a commitment, over generations, to adhere to the highest standards of academic professionalism and decency; and that the expectations of lawful conduct, academic rigor and service to larger social goods that characterize the historic and accepted ethos of the professoriate, must continuously be maintained.

The Board, through its institutional administrators, is responsible for maintaining a competent, productive, effective and ethical workforce and to assure observance of obligations and rights established by law, rule or policy and implicated in university operations. This authority extends to supervision of faculty unit member conduct. The Board and its administrators possess the inherent power to discipline faculty unit members who fail to adhere to expectations for competent, productive, effective and ethical teaching, research or service, who violate laws, rules or policies implicated in university operations, or who engage in misconduct, neglect of duty, insubordination or otherwise unacceptable conduct. This article assures that the exercise of the power to discipline comports with the requirements of due process.

15.2 Alternative Measures -- In the most usual cases, where institutional administrators are concerned that a faculty unit member has not met expectations for competent, productive, effective or ethical performance or has engaged in conduct that might warrant corrective action through disciplinary measures, initial actions may be informal conversations to reinforce administrative expectations. Likewise, ordinarily, disciplinary actions may be applied progressively with resort to coercive or punitive measures coming after less intrusive actions have failed to change the faculty unit member's behavior.

Nothing in this section either precludes or requires such usual and ordinary practices. The Board has delegated to institutional administrators provisional authority to discipline faculty unit members for failure to adhere to expectations for competent, productive, effective and ethical teaching, research or service, violation laws, rules or policies implicated in university operations, or misconduct, neglect of duty, insubordination or otherwise unacceptable conduct, including such conduct identified in Board Policy No. 4:14 (2) Code of Professional Conduct. The authority delegated to institutional administrators must be exercised consistently with Board policy. The delegated authority includes the power to determine the discipline to be imposed and its effective date.



Taking into consideration the circumstances that warrant discipline, past service, scholarly achievements or other mitigating or aggravating circumstances, discipline may include any of the following alternative actions:

1. Warnings;
2. Warnings to be filed with the personnel file of the faculty unit member;
3. Required training related to the conduct that occasioned discipline, such as, by way of illustration and without limitation, training in anger management or training in compliance with antidiscrimination obligations;
4. Required treatment for current substance abuse at the cost of the faculty unit member;
5. Suspension from duties with, or without, loss of pay commensurate therewith;
6. Reassignment;
7. Demotion;
8. Discharge.

15.3 Procedures -- The following procedures apply to all disciplinary measures other than warnings and warnings filed in the personnel file.

The disciplinary procedure comprises two stages.

The first, informal stage is designed to provide an initial check against mistaken decisions, by creating an opportunity to determine whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action. At the first stage, the faculty unit member will receive oral or written notice of the allegations, an explanation of the evidence, and an opportunity to respond. At the close of the first stage informal hearing the administration may impose the selected discipline.

The second stage assures clear and actual notice of the reasons for termination in sufficient detail to enable presentation of evidence relating to them; notice of both the names of those who have made allegations against the faculty unit member and the specific nature and factual basis for the charges; a reasonable time and opportunity to present testimony on any disputed issue of material fact; and a hearing before an impartial decision-maker.

In all cases, the burden to prove the charges will rest with the administration.

## **Appeals & Grievances**

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### **CSA Classification Appeals/General CSA Grievances**

[\(BOR 4:9 CSA Classification Appeals/General CSA Grievance Procedures\)](#) The Regental Classification Appeals Procedure provides an orderly process for Regental Civil Service Act employees to request review of their classification and to appeal classification action decisions, and the purpose of the general grievance appeals procedure is to provide a just and equitable method for the resolution of grievances without discrimination, coercion, restraint or reprisal against any employee who may submit or be involved in a grievance.

Please review in full for further details.

### **Non-Faculty Exempt Employees**

[\(BOR 4:8 General Non-Faculty Exempt \(NFE\) Grievance Procedure\)](#) The purpose of the grievance appeals procedure is to provide a fast and equitable method for the resolution of grievances without discrimination, coercion, restraint, or reprisal against any employee who may submit or be involved in a grievance.

**Faculty-Non-COHE Eligible**

[\(BOR 4:7 Grievance--Faculty\)](#) All problems should be resolved, whenever possible, before the filing of a grievance. Open communication is encouraged between administrators and faculty members so that resorting to the formal grievance procedure will not be necessary. The purpose of this policy is to promote prompt and efficient procedures for investigating and resolving grievances.

**Faculty-COHE Eligible**

[\(COHE 8.2 Grievance Rights\)](#) The parties agree that all problems should be resolved, whenever possible, before the filing of a grievance. They encourage open communication between administrators and faculty unit members so that resorting to the formal grievance procedure will not be necessary. The purpose of this article is to promote prompt and efficient procedures for investigating and resolving grievances.

## **Risk Management**

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[Risk Management](#) -- The Office of Risk Management has the primary responsibility of implementing the risk management objectives of the state to ensure its operations are not impaired by a loss. To accomplish that goal, the Office of Risk Management is responsible for:

- Conducting loss control audits;
- Reviewing claims to identify trends or situations requiring loss prevention efforts;
- Advising agencies of applicable laws, regulations, and standards which contribute to a safe environment;
- Provide loss control training;
- Reviewing contracts for appropriate risk management language; and
- Selecting brokers and insurance companies and negotiating to obtain the best product for the best price.

South Dakota School of Mines and Technology has an Environmental Health Safety and Risk (EHS&R) committee that focuses on loss control for the campus. Information about the committee can be found on the School of Mines [website](#).

**Incident, Accident, and/or Unsafe Condition Reporting**

Reports should be filed with Campus Safety or Environmental Health and Safety for accidents, incidents, or unsafe conditions which injure students, employees, and the general public, tangibly or intangibly (for example, bodily injury, property damage, or any other type of injury).

**Use of State Vehicles**

Because many state employees are required to utilize state vehicles for business travel, it is important to understand the coverage that applies. When state employees are driving a vehicle on state business, all are covered for workers' compensation while in the course of their employment; belongings in the vehicle are not insured by the state; liability to other persons (bodily injury and property damage) due to negligence in operating the vehicle is covered through the Public Entity Pool for Liability (PEPL); and automobile liability coverage through PEPL applies to non-state employees who are on official business for the state.

In cases where an employee uses a personal vehicle, their private auto-insurance policy provides coverage for physical damage, loss, or liability. Make sure to discuss with your insurance agent to ensure your policy will cover your driving risks. Both the worker's compensation and personal property coverage are the same as when operating a state vehicle. In situations where the loss exceeds personal policy limits, the state will cover the excess liability under certain terms of the PEPL agreement.

There are of course, limits to the state's coverage. For example, the state does not pay for injuries covered by other insurance; does not pay when agencies, employees and agents did not cause or were not legally responsible to prevent accidents; does not cover incidents where the actions were wrongfully meant to harm someone or were not related to state work; and maintains a limit of \$1,000,000 per occurrence.

Students may drive State vehicles for official University business if they are an employee or official volunteer. Students driving state vehicles are covered by the State's PEPL fund if they are employed or an official volunteer of the University and are performing functions related to their employment or volunteer activity.

In the unfortunate situation that employees are involved in an accident with a state vehicle, it must be reported to the nearest law enforcement official and Campus Safety (605-394-6100). This contact person is responsible for filing the proper paper work. In the event of an accident involving a fatality, serious bodily injury, or serious property damage, contact Claims Associates immediately (24-hour emergency number – 1-888-430-2249). All accidents should be reported as soon as possible. All accident reporting information is located in the glove compartment or other convenient place in every state vehicle.

### **Campus Alert System**

**(Campus Alert Notification System)** South Dakota School of Mines and Technology, along with the South Dakota Board of Regents system, has implemented a Campus Alert Notification System for students, faculty, and staff. This service allows the School of Mines' employees and students to receive critical weather-related and emergency alerts via text, cell phone or computer.

## **Policies and Procedures**

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The South Dakota School of Mines and Technology operates under the jurisdiction of the South Dakota Board of Regents. If there is a current and applicable Board of Regents policy there is no need for duplication within the School of Mines policies; therefore, always refer to the Board of Regents policies first.

Proposed policies, suggestions for changes in policies, or questions concerning policies should be addressed to the Special Projects Coordinator, Office of the President at 394-1718. Questions relating to an existing policy should be addressed to the office of record on the policy and/or the person who initiated the policy as listed in the top left-hand corner of the policy.

Proposed new policies or significant changes to existing institutional policies are distributed to the members of the School of Mines Cabinet for suggestions and comments. After the person initiating the policy has resolved all questions and comments, the policy is recommended for approval by the President and is updated on the website.

### **Antiharassment**

[\(BOR 1:17 Harassment including Sexual Harassment\)](#) Educational institutions play a special role in preparing students to lead the complex social organizations through which businesses and professions operate and through which free people govern themselves. Students must be taught, and they must be shown through the example given by institutional employees, that stable, effective and prosperous social organizations observe norms of conduct under which all participants are expected to treat one another civilly and to carry out their respective tasks in a constructive and informed manner. Complex social organizations derive their strength from the cooperation of those who participate in them. By virtue of their special role in preparing future generations of leaders, educational institutions have a particular concern with conduct that subjects members of the institutional community to harassment, as herein defined, on the basis of sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, gender identity, transgender, sexual orientation, age, disability, genetic information or veteran status, on any other status that may become protected under law against discrimination or on any other grounds. Such conduct destroys the bonds of cooperation and common purpose on which society rests by demeaning some members of the community, and, it cannot be tolerated in an institution whose very purpose is to shape the skills and conscience of the rising generations. For this reason, the Board strictly proscribes harassing conduct, and those members of the institutional community who have indulged in it shall be subject to discipline pursuant to Board Policy 1:18.

### **Buckley Amendment Or FERPA (Family Educational Rights And Privacy Act Of 1974)**

The purpose of FERPA is to protect the privacy rights of students from the indiscriminate collection, maintenance, disclosure and release of personally identifiable student information, including information regarding student status or performance.

Under FERPA each current and former student at the School of Mines has the following fundamental rights:

- The right to review and inspect the student's education records.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading, and the right to a hearing if the request for amendment is not granted.
- The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School of Mines to comply with the requirements of FERPA.

Students should be aware that these rights and privileges are available to them. Formal notification regarding FERPA is provided annually in the School of Mines Undergraduate and Graduate Catalog.

For a full description of FERPA, information regarding the location of students' educational records, and procedures at the School of Mines for compliance with the law, please contact the Office of Academic and Enrollment Services.

Faculty/staff members should not divulge educational record information about any student until they have checked with the Office of the Registrar and Academic Services.

### **Conflict of Interest**

[\(BOR 4:35 Conflict of Interest\)](#) Persons employed full-time by the South Dakota Board of Regents in professional capacities, whether as faculty members, exempt staff, civil service staff, or extension agents, shall devote their best professional efforts to the service of the institution to which they are assigned.

If you are currently or considering additional employment or consultation projects please review this policy to insure that you do not have or will not have a conflict of interest in doing so.

### **Animal Policy**

[\(SDSM&T IV-05 Animal Policy\)](#) Generally pets are not allowed on South Dakota School of Mines & Technology (SDSM&T) campus grounds or in facilities. However, SDSM&T seeks to accommodate persons with disabilities who demonstrate the necessity of a service animal. The School of Mines is simultaneously mindful of the health and safety interest of its general community. The Service Animal Guidelines are aimed at accomplishing these objectives. Service animals may accompany the person for whom they provide guidance in attending activities of the university.

Please review the policy for further details.

### **Fraud**

[\(BOR 4:37 Fraud Policy\)](#) Examples of a fraudulent act include but are not limited to:

- Embezzlement
- Misappropriation, misapplication, destruction, removal, or concealment of property
- Alteration or falsification of documents
- Theft of any asset (money, tangible property, etc.)
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Misrepresentation of fact

Suspected fraudulent acts should be reported to the Human Resources Office.

### **Human Rights Complaint Procedures – Notice of Non-Discrimination**

[\(BOR 1:18 Human Rights Complaint Procedures\)](#) Discrimination and cognate forms of that term when used in this policy include all violations of rights guaranteed under federal, state, or local antidiscrimination laws and regulations. Also, discrimination includes any allegation that, because of a person's sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, gender identity, transgender, sexual orientation, age, or disability, genetic information, veteran status or any other status that may become protected under law against discrimination or other grounds unrelated to reasonable employment, educational or programmatic expectations, a person has been subjected to disparate treatment in terms and conditions of employment, in the delivery of educational services, programs or activities, or with respect to the participation in the activities of officially recognized organizations. Allegations, reports or complaints involving harassment, or sexual assault or other animus-based assault, brought under Board Policy No. 1:17(2)(B) and allegations of sexual assault, domestic violence or stalking as proscribed by Board Policy No. 1:17.1 will also constitute discrimination complaints within the meaning of these regulations, notwithstanding the fact that they may not otherwise be encompassed hereunder.

Persons who believe that they have been subjected to discrimination may bring complaints under these procedures by contacting the Title IX/EEO coordinator. The Title IX/EEO Coordinator for the campus is the Vice President for Human Resources:

Vice President for Human Resources/Title IX Coordinator  
South Dakota School of Mines & Technology  
501 E Saint Joseph St.  
Rapid City, SD 57701  
(605) 394-1203

### **Intellectual Property**

[\(BOR 4:34 Intellectual Property\)](#) The policy is intended to guide management of intellectual property at the institutions governed by the South Dakota Board of Regents (Board). The people of the State of South Dakota, through their constitution, made the South Dakota Board of Regents (Board) responsible to control, to develop and to maintain a system of higher education that provides an opportunity for advanced education to all qualified persons, that explores and expands the frontiers of knowledge, that applies learning to enlarge the economic capacity of the state and that serves to improve the quality of life for the people of South Dakota. The public charge to the Board encompasses both the legal custody and protection of all properties acquired by the institutions, including those created in the course of their work by faculty members, other employees and students contributing to sponsored or faculty-directed research, and the duty to assure that such properties are used to advance the missions of the several institutions.

The primary public good realized from most works or discoveries produced by faculty members, other employees and students contributing to sponsored or faculty-directed research derives from their publication or public presentation or performance. Some such intellectual properties created in the course of their work by faculty members, other employees and students contributing to sponsored or faculty-directed research may also have valuable commercial applications. Where commercially valuable intellectual properties are developed within the scope of employment or using public funds or resources, the Board must balance the interests of creators with the interests of the public in benefitting from the commercial use of such properties. Moreover, where commercially valuable intellectual properties arise from federally funded research, the Bayh-Dole Act of 1980 requires disclosure of the property to the granting agency and generally regulates the commercialization of any such property and use of its income.

This policy sets forth the principles and procedures through which the Board balances the rights of creators, the interests of the public and its obligations under federal law in the management of intellectual properties created by faculty members, other employees and students contributing to sponsored or faculty-directed research.

### **Statement Concerning Faculty Expectations**

[\(BOR 4:38 Statement Concerning Faculty Expectations\)](#) Civility in working with colleagues, staff members, students and others -- Universities play a special role in preparing students to lead the complex social organizations through which businesses and professions operate and through which free people govern themselves. Students must be taught, and they must be shown through the example given by institutional employees, that members of stable, effective, and prosperous social organizations observe norms of conduct under which all participants treat one another civilly and carry out their respective tasks in a constructive and informed manner. Complex social organizations derive their strength from the cooperation of those who participate in them. By virtue of their special role in preparing future generations of leaders, universities have a particular concern with conduct that destroys the bonds of

cooperation and common purpose on which society rests by demeaning members of the community, and such conduct cannot be tolerated in an institution whose very purpose is to shape the skills and conscience of the rising generations.

Faculty members are responsible for discharging their instructional, scholarly, and service duties civilly, constructively, and in an informed manner. They must treat their colleagues, staff, students, and visitors with respect, and they must comport themselves at all times, even when expressing disagreement or when engaging in pedagogical exercises, in ways that will preserve and strengthen the willingness to cooperate and to give or to accept instruction, guidance or assistance.

### **Student Grievance Policy**

([SDSM&T III-1-3 Grievance Procedures for Students](#)) Students may pursue grievances when there is cause to do so. "Grievance" means an alleged misinterpretation, misapplication or violation of a specific term or provision of Board or Institutional policy affecting terms or conditions of enrollment or academic standing, or other agreements, contracts, policies, rules, regulations or statutes that directly affect terms and conditions of enrollment and academic standing at SDSM&T.

### **Winter Weather Procedures**

([BOR 4:40 Emergency Closing](#)) There are occasions when the South Dakota School of Mines & Technology must cancel classes due to inclement weather and road conditions; however, canceling classes does not imply that the campus is closed. Campus offices normally remain open for business activities in all but the most extreme circumstances. Unless an emergency closing of campus is announced, all employees are expected to report to work. During inclement weather, all employees are urged to use their own discretion in deciding whether they can safely commute to work. When an emergency closing has not been declared, employees who do not report to work have the option of taking vacation, accrued compensatory leave time, leave without pay, or adjusting the work week as approved by the supervisor. Employees who feel they cannot safely reach the worksite should make arrangements with their supervisor to be absent from work. Please refer to SD BOR policy 4:40 Emergency Closing for further details.

Weather related announcements will be made by 6:00 am via the Campus Alert system and posted shortly thereafter on the SD School of Mines & Technology Emergency web page (<http://www.sdsmt.edu/Emergency>), social media, and with the local media.

### **Affirmative Action**

The School of Mines is committed to recruiting and retaining a diverse workforce. The School of Mines is an equal opportunity employer who encourages all qualified candidates to apply for employment, especially candidates in legally-protected classes, and we hire the individual who can best fulfill the requirements of any given position without discrimination based on sex, race, color, creed, national origin, ancestry, citizenship, gender, gender identification, transgender, sexual orientation, religion, age, disability, genetic information or veteran status or any other status that may become protected under law against discrimination.

The School of Mines has a written affirmative action program to achieve prompt and full utilization of minorities, the disabled veterans, Vietnam-era veterans, and women at all levels and in all segments of the work force. The results of the program are to be reviewed annually, and the program is to be modified as necessary to achieve its stated objectives.

Hiring procedures for all personnel: faculty, non-faculty exempt employees, civil service employees, and student employees (other than workstudy), are outlined in writing within the Affirmative Action Plan.

The School of Mines' Affirmative Action Plan and hiring guidelines are available through the Office of Human Resources.

**Americans with Disabilities Act**

Any person, including employees, students, recipient of services, contractors, or members of the public, who feel that they have been discriminated against by the School of Mines on the basis of disability should refer to the Board of Regents 1:18 Human Rights Complaint Procedure.

For assistance with an ADA issue please contact:

For students:

Director of Counseling and Student ADA Coordinator  
Counseling & ADA Services, Department of Student Development  
501 East St. Joseph Street  
Rapid City, SD 57701  
605-394-6988

For all employees, guests and third parties:

Vice President for Human Resources/Title IX/EEO Coordinator/Employee ADA Coordinator  
Room 111, O'Harra Building  
501 East St. Joseph Street  
Rapid City, SD 57701  
605-394-1203