FACULTY HANDBOOK

ARKANSAS TECH UNIVERSITY

RUSSELLVILLE CAMPUS

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August 1, 2020
August 1, 2021
August 1, 2022
August 17, 2023
August 15, 2024
August 21, 2025
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May 21, 2026
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ACKNOWLEDGMENT

Upon electronic acknowledgement, I understand that the *Faculty Handbook* (update 2026-2027) located at http://www.atu.edu/academics/facultyhandbook.php constitutes the general policies and procedures of Arkansas Tech University for the Russellville campus, and I will familiarize myself with the information therein. All policies, procedures, and guidelines are subject to review, revision, and modification during any academic year.

I will also familiarize myself with the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures and the Clery Act (https://www.atu.edu/psafe/cleryreport.php).

THE ELECTRONIC ACKNOWLEDGEMENT WILL BE RETAINED AS PART OF YOUR PERMANENT RECORD.

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I

GENERAL INFORMATION

Arkansas Tech University was created as a district agricultural school by an act of the Arkansas General Assembly in 1909. In 1925, the General Assembly changed the name from the Second District Agricultural School to Arkansas Polytechnic College, with power to grant degrees. Changing and increased demands for college education in Arkansas caused the Board of Trustees in 1948 to convert from a junior college to a four-year, degree-granting institution. A graduate program leading to the master of education degree was established in 1976. In accordance with an act of the Arkansas General Assembly and by the authority of the State Board of Higher Education, the name of Arkansas Polytechnic College was changed to Arkansas Tech University, effective July 9, 1976. The University has had continuous accreditation in the Higher Learning Commission of the North Central Association of Colleges and Schools since 1930.

Arkansas Tech University is a multi-purpose, state-supported institution of higher education whose primary objective is to provide strong undergraduate and graduate programs and activities, especially for the students and communities in the northwest quadrant of Arkansas, which will enable its graduates to make significant contributions to the economic, social, political, and cultural development of the region, state, nation, and world and to enable each student to pursue personal, professional, and occupational goals. The University is committed to providing high quality educational programs within its five broad areas of emphasis--modern business and industry, professional education, the liberal and fine arts, the physical and life sciences, and information technology and systems. A critical adjunct purpose is the University's obligations to community service and development.

MISSION OF THE UNIVERSITY

The present mission of Arkansas Tech University is:

> Arkansas Tech University is dedicated to student success, access, and excellence as a responsive campus community providing opportunities for progressive intellectual development and civic engagement. Embracing and expanding upon its technological traditions, Tech inspires and empowers members of the community to achieve their goals while striving for the betterment of Arkansas, the nation, and the world.

In carrying out its mission, Arkansas Tech University offers programs of study leading to the associate degree, baccalaureate degree, master’s degree, educational specialist degree and doctorate degree.

The present vision of Arkansas Tech University is:

Arkansas Tech University: where students succeed, innovation thrives, and communities flourish.

ROLE AND SCOPE OF THE UNIVERSITY

Arkansas Tech University was granted a change in role and scope by the Arkansas Higher Education Coordinating Board on July 25, 2014 to allow the institution to offer doctoral programs. The role and scope reads as follows:

1. Audiences

Arkansas Tech University (ATU) is responsible for serving:

• Residents of the northwest quadrant of Arkansas who have completed a high school education and are seeking either a college degree or continuing professional education and residents of the state through specific degree programs and services.

• Employers in the region, both public and private—school districts, health care providers, local governments, and private businesses.

• Economic development interests and entrepreneurs in the region.

• The community and area by providing a broad range of academic and cultural activities and public events.

• Area K-12 schools seeking college general education courses for advanced students.

• Two-year college transfer students.

2. Array of Programs and Services

ATU serves these audiences by offering:

• Certificate and associate degree programs in applied technologies, nursing and allied health.

• Baccalaureate programs in arts and humanities, the natural sciences, and social sciences appropriate to a teaching institution with a predominantly undergraduate student body.

• Baccalaureate and masters programs in the professional fields of communications, information technology, engineering, education, nursing and allied health, and business.

• Doctoral Degrees

• Services specifically designed to meet the needs of regional economic development (small business development, support for entrepreneurs, problem-solving).

3. Special Features

• Engineering programs, including an associate degree in nuclear engineering, emergency administration and management, geology, and hospitality administration.

• Arkansas Tech University-Ozark campus provides education in associate and certificate programs.

MANAGEMENT AND CONTROL OF THE UNIVERSITY

Management and control of Arkansas Tech University are vested by statute in the Board of Trustees as appointed by the Governor with the concurrence of the Arkansas Senate. The central administrative leadership for the University stems from the President, who is directly responsible to the Board of Trustees, one chancellor, and four vice presidents. Two campuses are located in Russellville and Ozark, respectively. Academically, the Russellville campus is organized into five colleges consisting of sixteen departments. Each college is administered by a dean and each department by a head. The role of faculty in governance participation is primarily expressed through the structures of the Faculty Senate, Graduate Council, and other standing committees; the will of the student body is reflected through the Student Government Association. Diagrams on pages 10-13 reflect the University's administrative and student government organization and the committee structure for policy determination. Up-to-date organizational charts are maintained at the following link: Organizational Charts 2026-2027.

Most of the information needed by faculty members is contained in this handbook and in these publications: *Undergraduate Catalog*, *Graduate Catalog*, *Student Handbook*, and *Financial Policies.*

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	00	CP	31.0504	0726	6		Coaching Travel Team & Recreational Sport	1/24/2025	2025	2035
A	00	CP	48.0501	0431	8		Machining Operations Milling & Turning	4/23/2021	2021	2031
A	00	CP	48.0501	0441	6		Machining Concepts	4/23/2021	2021	2031
A	00	CP	51.0904	0186	7		Emergency Medical Technician	8/4/2006	2023	2028
A	00	CP	51.3902	0266	7		Nursing Assistant	8/4/2006	2020	2030
A	00	CP	52.0209	0756	6		Transportation Management	10/24/2025	2025	2035
A	01	CP	09.0101	1566	12		Technical and Professional Communication	1/29/2021	2021	2031
A	01	CP	09.0102	1186	12		Digital Content Creation	10/27/2023	2023	2033
A	01	CP	09.0401	1061	12		News Writing	1/27/2023	2023	2033
A	01	CP	09.0402	1056	12	50%	Broadcast Journalism	1/27/2023	2023	2033
A	01	CP	09.0900	1205	12		Public Relations Journalism	1/27/2023	2023	2033
A	01	CP	09.0906	1901	12	25-50%	Sports Media	1/24/2025	2025	2035
A	01	CP	11.0101	1122	12		Computer Networking	1/28/2022	2022	2032
A	01	CP	11.0103	0018	12		Computer Information Technology	1/26/2012	2021	2031
A	01	CP	11.0201	1561	13		Computer Programming	1/28/2022	2022	2032
A	01	CP	11.1003	1335	12		Fundamentals of Cybersecurity	4/24/2026		
A	01	CP	13.1401	0130	12		Teaching English to Speakers of Other Languages	1/25/2019	2019	2029
A	01	CP	14.1001	1221	13		Electric Circuit Design & Analysis	1/26/2024	2024	2034
A	01	CP	15.0399	1504	16		Industrial Control Systems	10/31/2014	2021	2031
A	01	CP	15.0612	1025	15		Controls Fundamentals	4/26/2024	2024	2034
A	01	CP	16.0908	1801	9	100%	Spanish Health & Social Services Translation	1/23/2026	2026	2036
A	01	CP	19.0706	4919	21	100%	Early Childhood Education	1/24/2025	2025	2035
A	01	CP	27.0101	1226	20		Mathematics	1/26/2024	2024	2034
A	01	CP	27.0599	1263	15		Applied Statistics	1/28/2022	2022	2032
A	01	CP	31.0505	1351	15		Coaching, Strength, and Conditioning	1/24/2025	2025	2035
A	01	CP	41.0301	1046	20-21		Chemistry Technician	1/26/2024	2024	2034
A	01	CP	43.0102	1431	9		Jail Standards	10/28/2016	2020	2030
A	01	CP	43.0103	0500	15	100%	Law Enforcement	1/26/2012	2020	2030
A	01	CP	43.0302	1211	12	100%	Emergency Management	1/26/2024	2024	2029
A	01	CP	43.0303	1206	12	100%	Cyber Resilience	1/26/2024	2024	2034
A	01	CP	43.0399	0471	9		Dispatcher Telecommunications	10/27/2017	2020	2030
A	01	CP	43.0399	1216	12	100%	Global Security	1/26/2024	2024	2034
A	01	CP	46.0415	1471	10		Construction Technology	1/26/2012	2025	2035
A	01	CP	47.0201	0115	16		Air Conditioning, Heating, and Refrigeration	1/27/2023	2024	2030
A	01	CP	47.0604	4255	16		Automotive Service	1/26/2012	2022	2027
A	01	CP	48.0508	4905	15		Welding	1/26/2012	2023	2033

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	01	CP	49.0109	1576	12	100%	Small Unmanned Aerial Systems (sUAS)	1/26/2024	2024	2029
A	01	CP	50.0409	1313	12		Graphic Design	1/26/2024	2024	2034
A	01	CP	50.0411	1755	13		Game & Interactive Media Design	1/26/2024	2024	2034
A	01	CP	51.0713	4741	15		Medical Coding	7/28/2017	2025	2035
A	01	CP	51.0714	4740	12		Medical Billing	7/28/2017	2025	2035
A	01	CP	51.0716	4720	9		Health Sciences	1/26/2012	2025	2035
A	01	CP	51.0805	0220	15		Pharmacy Technician	10/27/2017	2025	2035
A	01	CP	51.1009	4788	15		Phlebotomy	7/28/2017	2025	2035
A	01	CP	52.0201	1645	12-13	100%	Business Administration	1/27/2023	2025	2031
A	01	CP	52.0203	3622	12	100%	Logistics Management	7/28/2017	2024	2034
A	01	CP	52.0204	1071	9	67%	Microsoft Applications	1/27/2023	2025	2031
A	01	CP	52.0206	7525	12	100%	Nonprofit Leadership	1/26/2024	2024	2029
A	01	CP	52.0211	1236	12	100%	Project Management	1/26/2024	2024	2027
A	01	CP	52.0211	1336	12	100%	Fundamentals in Project Management	10/25/2024	2025	2035
A	01	CP	52.0213	1456	12	100%	Training and Organizational Development	1/26/2024	2024	2029
A	01	CP	52.0213	1520	12	100%	Workplace Supervision	1/26/2024	2024	2029
A	01	CP	52.0213	4898	15	100%	Professional Leadership	1/27/2017	2017	2027
A	01	CP	52.0401	1524	15	100%	Office Support Specialist	1/30/2015	2020	2030
A	01	CP	52.0701	1655	12	100%	Fundamentals of Small Business Management	1/24/2025	2025	2035
A	01	CP	52.0803	0055	12	100%	Banking Services	10/26/2018	2020	2030
A	01	CP	52.0901	0665	12	40%	Casino and Gaming Industry	4/28/2023	2023	2033
A	02	CGS	24.0102	0915	31-32	100%	General Studies	7/24/2026		
A	02	TC	11.0103	4445	36		Computer Information Technology	4/25/2003	2021	2031
A	02	TC	12.0401	4420	40		Cosmetology	4/25/2003	2019	2029
A	02	TC	15.0303	4645	30		Industrial Electronic Technology	7/1/1997	2021	2031
A	02	TC	15.0399	4504	42		Industrial Control Systems	4/28/2006	2021	2031
A	02	TC	43.0103	0389	36	100%	Law Enforcement	4/27/2007	2020	2030
A	02	TC	47.0201	4310	36		Air Conditioning, Heating, & Refrigeration Technology	4/25/2003	2024	2030
A	02	TC	47.0603	4330	36		Collision Repair Technology	4/25/2003	2025	2030
A	02	TC	47.0604	4340	36		Automotive Service Technology	4/25/2003	2022	2027
A	02	TC	48.0508	4900	36		Welding Technology	4/25/2003	2023	2033
A	02	TC	51.0000	2710	28-33		Health Professions	10/27/2017	2025	2035
A	02	TC	51.0716	4729	36		Health Information Technology	4/25/2003	2023	2030
A	02	TC	51.0904	4520	45		Basic Emergency Medical Technician	4/25/2003	2023	2028
A	02	TC	51.3901	4660	48		Practical Nursing	4/25/2003	2019	2029
A	02	TC	52.0401	4285	36	100%	Business Technology	4/25/2003	2020	2030
A	02	TC	52.0803	2508	36	100%	Banking Services	10/26/2018	2020	2030
A	02	TC	52.0901	2665	32	40%	Casino and Gaming Industry	4/28/2023	2023	2033

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	03	AA	24.0102	0060	60	100%	General Education	1/1/1985	2020	2030
A	03	AAS	11.0103	0320	60		Information Technology	2/1/2001	2020	2030
A	03	AAS	11.0103	4450	60		Computer Information Technology	7/28/2017	2021	2031
A	03	AAS	11.1003	0151	60		Cybersecurity	4/21/2017	2017	2027
A	03	AAS	12.0401	0380	60		Cosmetic Science	7/27/2018	2019	2029
A	03	AAS	15.0612	3644	60		Automation Technology	4/22/2016	2021	2031
A	03	AAS	43.0103	0600	60	100%	Law Enforcement	7/28/2017	2020	2030
A	03	AAS	44.0000	3441	60		Human Services	7/27/2012	2023	2027
A	03	AAS	47.0201	4311	60		Air Conditioning and Refrigeration	10/28/2016	2024	2030
A	03	AAS	47.0603	3470	60		Collision Repair Technology	7/27/2018	2025	2030
A	03	AAS	47.0604	4341	60		Automotive Service Technology	10/28/2016	2022	2027
A	03	AAS	48.0508	4901	63		Welding Technology	10/28/2016	2023	2033
A	03	AAS	51.0716	3729	60	100%	Health Information Technology	4/25/2014	2023	2030
A	03	AAS	51.0803	3510	71		Occupational Therapy Assistant	2/4/2011	2025	2032
A	03	AAS	51.0806	0750	68		Physical Therapy Assistant	4/25/2008	2023	2025
A	03	AAS	51.0901	0971	70		Cardiac Sonography	2/1/2013	2020	2030
A	03	AAS	51.0904	0470	60	75%	Paramedic/Emergency Medical Services	4/25/2014	2023	2028
A	03	AAS	51.3801	0711	67		Nursing	1/26/2012	2025	2033
A	03	AAS	51.3901	5660	63		Practical Nursing	4/25/2014	2019	2029
A	03	AAS	52.0203	3621	60	100%	Logistics Management	10/28/2016	2024	2034
A	03	AAS	52.0401	0307	60	100%	Business Technology	4/29/2005	2020	2030
A	03	AAS	52.0803	0255	60	100%	Banking Services	10/26/2018	2020	2030
A	03	ABA	52.0201	0301	60	100%	Business Administration	4/20/2018	2025	2031
A	03	AGS	24.0102	0900	60		General Studies	4/27/2012	2025	2035
A	03	AS	15.0613	6719	64		Manufacturing	1/29/2021	2021	2031
A	03	AS	19.0706	1010	60	100%	Early Childhood Education	4/1/1990	2025	2035
A	03	AS	43.0104	0030	60		Criminal Justice	2/6/2004	2026	2036
A	03	ASNT	15.1401	1150	60		Nuclear Technology	11/1/1990	2025	2035
A	04	AC	13.1205	3215	26		Secondary Education	4/26/2024	2024	2034
A	04	AC	51.1199	3205	45		Pre-Health Profession in Biology	1/26/2024	2024	2034
A	04	AC	52.0201	0306	21		Human Resources Management	4/20/2018	2025	2031
A	04	AC	52.0701	3165	27-28	78%	Entrepreneurship	1/27/2023	2025	2031
A	04	AC	52.1301	3135	24	62%	Data Analytics	1/27/2023	2025	2031
A	05	BA	09.0101	1830	120		Communication	1/1/1985	2023	2033
A	05	BA	09.0102	4145	120	10%	Digital Content Creation	7/28/2023	2023	2033
A	05	BA	09.0401	1560	120		Journalism	1/1/1985	2024	2034
A	05	BA	13.1302	1260	120		Art Education	1/1/1985	2019	2029
A	05	BA	13.1305	9420	120		English	1/1/1985	2020	2030
A	05	BA	13.1318	1760	120		Social Studies	1/1/1985	2020	2030
A	05	BA	23.0101	1420	120	100%	English	1/1/1985	2019	2029

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	05	BA	42.0101	1710	120		Psychology	1/1/1985	2019	2029
A	05	BA	43.0104	1360	120	100%	Criminal Justice and Criminology	1/26/2018	2026	2036
A	05	BA	45.0799	1468	120		Anthropology and Geography	5/1/2015	2024	2034
A	05	BA	45.1001	1690	120	100%	Political Science	1/29/2010	2017	2027
A	05	BA	45.1101	1780	120		Sociology	1/1/1985	2026	2036
A	05	BA	50.0901	1630	120		Music	1/1/1985	2023	2033
A	05	BA	52.0213	5335	120	100%	Organizational Leadership	10/25/2019	2019	2029
A	05	BA	54.0101	1510	120	100%	History	1/1/1985	2019	2029
A	05	BAS	30.9999	5877	120	100%	Applied Science	4/21/2017	2017	2027
A	05	BFA	23.1302	2030	120	100%	Creative Writing	1/1/1985	2018	2028
A	05	BFA	50.0409	2670	120		Graphic Design	4/20/2018	2019	2029
A	05	BFA	50.0411	5500	120		Game and Interactive Media Design	4/20/2018	2019	2029
A	05	BFA	50.0702	1250	120		Fine Arts	4/20/2018	2019	2029
A	05	BMA	50.0901	2137	120		Music Arts	1/26/2024	2024	2033
A	05	BME	13.1312	1640	130		Music Education	1/1/1985	2023	2033
A	05	BPS	30.9999	1871	120	100%	Professional Studies	4/21/2017	2017	2027
A	05	BS	01.0102	2220	120-122		Agriculture Business	1/1/1985	2019	2029
A	05	BS	03.0601	2590	120		Fisheries & Wildlife Biology	1/1/1985	2021	2031
A	05	BS	11.0101	2410	120		Computer Science	1/1/1985	2022	2025
A	05	BS	11.0103	5285	120		Information Technology	2/3/2006	2020	2030
A	05	BS	11.1003	0152	120		Cybersecurity	4/21/2017	2017	2027
A	05	BS	13.1202	3771	121	100%	Elementary Education	7/25/2014	2020	2030
A	05	BS	13.1203	2910	120		Middle Level Education	2/1/1998	2020	2030
A	05	BS	13.1301	3270	120		Agricultural Education	7/29/2011	2020	2030
A	05	BS	14.1201	2485	120		Engineering Physics	2/1/1998	2025	2035
A	05	BS	26.0101	2300	120		Biology	1/1/1985	2023	2033
A	05	BS	27.0101	2870	120		Mathematics	1/1/1985	2023	2033
A	05	BS	27.0599	4565	120		Applied Statistics	1/31/2020	2020	2030
A	05	BS	31.0505	2495	120-122		Health and Exercise Science	1/27/2023	2023	2033
A	05	BS	40.0501	2350	120		Chemistry	1/1/1985	2020	2030
A	05	BS	40.0601	2660	120		Geosciences	1/1/1985	2025	2035
A	05	BS	40.0801	3040	120		Physics	7/29/2011	2025	2035
A	05	BS	43.0302	2490	120	100%	Emergency Management and Homeland Security	5/1/1997	2019	2029
A	05	BS	51.0706	2700	120	100%	Health Information Management	1/1/1985	2020	2030
A	05	BS	51.2314	1740	120		Rehabilitation Science	1/1/1985	2021	2031
A	05	BS	52.0903	3260	120	25%	Tourism	1/26/2024	2024	2034
A	05	BSBA	52.0201	2320	120	100%	Management & Marketing	1/1/1985	2025	2031
A	05	BSBA	52.0201	3530	120	100%	Management	4/20/2018	2025	2031
A	05	BSBA	52.0301	2200	120		Accounting	1/1/1985	2025	2031
A	05	BSBA	52.0601	2460	120		Economics & Finance	1/1/1985	2025	2031

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	05	BSBA	52.0801	2580	120		Finance	4/19/2019	2025	2031
A	05	BSBA	52.1399	2321	120		Business Data Analytics	4/27/2012	2025	2031
A	05	BSBA	52.1401	3590	120		Marketing	4/20/2018	2018	2028
A	05	BSCmpE	14.0901	3650	120		Computer Engineering	1/26/2018	2019	2028
A	05	BSEE	14.1001	4140	120		Electrical Engineering	4/1/1998	2022	2028
A	05	BSME	14.1901	4230	120		Mechanical Engineering	4/1/1998	2022	2028
A	05	BSN	51.3801	4240	120		Nursing	1/1/1985	2025	2032
A	06	GC	11.0103	6357	18	100%	Information Technology	1/28/2022	2022	2032
A	06	GC	11.1003	6152	18	100%	Cybersecurity	1/26/2024	2024	2034
A	06	GC	13.0101	6001	12	100%	Educator Development and Exploration	1/24/2025	2025	2035
A	06	GC	13.0301	6751	22	100%	Curriculum Leadership	1/28/2022	2022	2032
A	06	GC	13.0401	6552	24	100%	P-12 Building Level Administration	1/28/2022	2022	2032
A	06	GC	13.0501	5765	21	100%	Instructional Technology Library Media Specialist K-12	1/24/2025	2025	2035
A	06	GC	13.0501	5770	12	100%	Online Teaching	1/27/2017	2017	2027
A	06	GC	13.1001	6435	12	100%	Special Education Resource Instructional Specialist	1/28/2022	2022	2032
A	06	GC	13.1001	6971	15	100%	Special Education Birth-Kindergarten Instructional Specialist	1/28/2022	2022	2032
A	06	GC	13.1001	6980	12	100%	Special Education K-12 Instructional Specialist Certificate	1/28/2022	2022	2032
A	06	GC	13.1102	5751	12	100%	Advising Certificate	1/27/2017	2026	2036
A	06	GC	13.1102	6985	12	100%	College Athletic Advising	1/24/2025	2025	2035
A	06	GC	13.1305	6026	18	100%	Literary Studies and Instruction	1/23/2026	2026	2036
A	06	GC	13.1315	6911	15	100%	Dyslexia Therapy K-12	1/26/2024	2024	2034
A	06	GC	13.1401	4335	12	100%	Teaching English to Speakers of Other Languages (TESOL)	1/27/2023	2023	2033
A	06	GC	13.9999	6750	12	49%	Teacher Leadership	1/28/2022	2022	2032
A	06	GC	30.7001	6596	18	100%	Data Science	1/26/2024	2024	2034
A	06	GC	30.9999	6770	12	100%	Organizational Development and Learning	4/28/2023	2023	2033
A	06	GC	43.0302	6081	15	100%	Risk Management in Higher Education	1/28/2022	2022	2029
A	06	GC	43.0302	6855	15	100%	Business Continuity	1/26/2024	2024	2034
A	06	GC	43.0302	6875	15	100%	Cyber Risk Management	1/26/2024	2024	2034
A	06	GC	52.0201	6255	12	100%	Business Administration	4/28/2023	2025	2031
A	06	GC	52.1301	6581	12	100%	Business Data Analytics	4/28/2023	2025	2031
A	06	GC	52.1404	6725	12	100%	Digital Marketing	4/28/2023	2025	2031
A	06	GC	54.0101	1505	18	100%	History	1/24/2025	2025	2035
A	07	MA	13.1401	1401	33	100%	Teaching English to Speakers of Other Languages	2/6/2004	2020	2027
A	07	MA	23.0101	5310	30		English	4/1/2000	2019	2029

AHECB Approved Degree Programs ATU Academic Year 2027

Status	Level	Award	CIP 2020	Degree Code	Credit Hours	Percent Distance	Program Name	Approval Date	Last Prg Revw Yr	Next Prg Revw Yr
A	07	MA	30.9999	5405	30	100%	Organizational Leadership and Learning	4/28/2023	2023	2033
A	07	MA	54.0101	5360	30	100%	History	2/1/2000	2019	2029
A	07	MAT	13.0101	6740	33	100%	Teaching	4/30/2010	2020	2030
A	07	MBA	52.0201	5581	30	100%	Business Administration	1/27/2017	2025	2031
A	07	MEd	13.0401	5665	30	100%	Educational Leadership	5/1/1997	2026	2036
A	07	MEd	13.1001	5870	30	100%	Special Education K-12	1/29/2016	2020	2027
A	07	MEd	13.1101	6680	45	90%	School Counseling & Leadership	4/21/2017	2020	2027
A	07	MEd	13.9999	3975	31	100%	Teaching, Learning, & Leadership	2/1/2001	2020	2027
A	07	MEng	14.1001	4235	30	100%	Electrical Engineering	4/21/2017	2017	2027
A	07	MEng	14.1901	4236	30	100%	Mechanical Engineering	4/21/2017	2017	2027
A	07	MLA	24.0101	5960	30	100%	Liberal Arts	4/1/1990	2022	2032
A	07	MM	13.1312	6000	30	100%	Music Education	1/26/2024	2024	2033
A	07	MS	03.0601	6225	30		Fisheries & Wildlife Science	2/1/2000	2021	2031
A	07	MS	11.0103	6285	30	100%	Information Technology	2/1/2000	2020	2030
A	07	MS	13.0406	5615	30	100%	Higher Education & Student Affairs	4/19/2002	2026	2036
A	07	MS	25.9999	5675	36	100%	Library Media and Instructional Technology	1/1/1985	2020	2027
A	07	MS	42.2899	5620	60		Counseling	1/26/2024	2024	2034
A	07	MS	43.0302	6490	30	100%	Emergency Management & Homeland Security	11/4/2005	2019	2029
A	07	MSN	51.3802	7080	33	100%	Nursing	4/21/2017	2024	2032
A	08	EdS	13.0401	5120	30	100%	Educational Leadership	10/1/2000	2026	2036
A	17	EdD	13.0401	4940	63		School Leadership	7/25/2014	2026	2036
A	UN	X	00.0000	0010			Undeclared			
F	01	CP	42.0101	1314	18		Psychology	1/31/2020	2020	2030
P	01	CP	11.0401	1185	12		Mobile Applications	7/28/2017	2021	2031
P	01	CP	16.0103	1802	20		Spanish for Medical Interpretation	1/25/2019	2019	2029
P	03	AAS	51.0801	1120	60		Medical Assistant	1/1/1985	2017	2026
P	05	BS	03.0104	2545	120		Environmental Science	1/29/2016		
P	05	BS	13.1311	9870	120		Mathematics	1/1/1985	2020	2030
P	05	BS	13.1314	2680	120-123		Coaching Athletics and Physical Activity	1/1/1985	2020	2030
P	05	BS	13.1322	9300	124-125		Life Science & Earth Science	1/1/1985	2020	2027
P	05	BS	31.0301	2970	121-123		Recreation & Park Administration	1/1/1985		
P	05	BS	51.0905	2930	120		Nuclear Medicine Technology	7/26/2019		
P	05	BS	51.1005	2890	120		Medical Laboratory Science	1/1/1985		
P	05	BS	52.0901	2760	120		Hospitality Administration	1/1/1985		
P	07	MEd	13.1315	5825	30	100%	K-12 Literacy	1/26/2018	2020	2027
P	07	MS	51.0706	2701	35	100%	Health Informatics	1/29/2010	2010	2020

7/30/26 **Status: A = Active; N = Active Future; I = Inactive; P = Phase-Out Delete**

https://adhe.edu/File/AHECB_APPROVED_DEGREE_PROGRAMS_BoardDate_Jul_24_2026_update.pdf

Arkansas Tech University
Russellville Campus
Organizational Units of Instruction, Research and Public Service

College of Arts and Humanities	Research and Graduate Studies
Department of Art	
Department of Behavioral Sciences	University Assessment & Accreditation
Department of Communication and Media Studies	
Department of English and World Languages	Center for Faculty LIFE
Department of History and Political Science	
Department of Music	Library & Technology Center
College of Business & Economic Development	
School of Business	Military Science
Department of Agriculture & Tourism	
Arkansas Small Business & Technology Development Center	Online Learning Initiatives
College of Education & Health	
Department of Teaching & Educational Leadership	Registrar
Department of Kinesiology & Rehabilitation Science	
Department of Nursing	International Education and Study Abroad
Department of Professional and Community Education	
College of Science, Technology, Engineering & Mathematics	Tech Learning Center
Department of Biological and Earth Sciences	
Department of Engineering & Computing Sciences	TRIO Programs
Department of Mathematical and Physical Sciences	
	University Honors

II
RELATION OF THE FACULTY MEMBER TO THE UNIVERSITY

A. FACULTY EMPLOYMENT

GUIDING PRINCIPLES

Institutions of higher education are established for the common good and the uninhibited search for truth and its exposition. This Faculty Handbook promotes the principles of academic freedom, shared governance, and tenure, and establishes policies and procedures that assure the common good and the uninhibited pursuit of truth at Arkansas Tech University.

The Faculty Handbook is a living document. Tenure, promotion, and annual evaluation policies outlined in the Faculty Handbook are subject to change over time. Officials evaluating faculty for tenure, promotion, and annual evaluation will take into account policy, procedure, and changes in standards that may have occurred over the course of the candidate's probationary period. Deliberations in all personnel matters should be kept confidential.

The policies and guidelines stated in the Faculty Handbook are intended to guide university processes but should not be construed to be a contract. The promotion, tenure, and evaluation procedures contained in the August 2018 revision of the Faculty Handbook shall apply to all full-time faculty whose Arkansas Tech University contract start date is on or after June 1, 2018. Full-time faculty whose contract start date was prior to June 1, 2018, will have the option of following the promotion, tenure and evaluation procedures in this Handbook should they so choose or the option to remain under the provisions of the 2017-18 Faculty Handbook; however, the full-time faculty members opting to follow the prior Handbook must indicate their desire to do so in writing per a letter to the Executive Vice President for Academic Affairs and Provost and Provost that is received no later than September 15, 2018, and must apply for promotion and/or tenure by fall, 2022.

The guiding principles in this section are for the benefit of all who are involved with or affected by the policies and programs of the institution. A college or university is a meeting place of ideas. In the words of the United States Supreme Court: "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

Faculty Membership

Academic appointments at Arkansas Tech University include all employees with full-time and part-time teaching assignments. Faculty membership is limited to all tenured, tenure-track, and instructor-track ranks. When speaking or writing as citizens, or when expressing views on professional matters, faculty members, as well as all those with academic appointments, should be free from institutional censorship or discipline. But, as members of the community, faculty members and those with academic appointments at Arkansas Tech University have certain special obligations. They should remember that the public may judge their profession or the institution by their utterances and make every effort to indicate when they do not serve as a voice for the institution.

The professional life of faculty members should reflect and be shaped by individual strengths and interests, curricular/program requirements of departments, and the mission of Arkansas Tech University. Full time appointments for non-tenure track, tenure-track, and tenured faculty carry expectations in the areas of teaching, scholarship, and service as appropriate to their contracted

assignments. The determination of criteria for professional engagement and faculty evaluation will be a joint effort between department heads and the faculty in the department or program. Such criteria will be within the norms of the profession and subject to approval of the appropriate academic dean.

Arkansas Tech University requires all instructional personnel to demonstrate proficiency in spoken and written English to communicate effectively in the classroom. The institution evaluates this proficiency through the use of course evaluations as part of the appointment and assignment process. This requirement applies to all faculty assigned teaching responsibilities and is intended solely to ensure instructional effectiveness. Arkansas Tech University does not discriminate on the basis of national origin and applies this standard in accordance with Arkansas ACCESS Act (2025).

Shared Governance

Arkansas Tech University subscribes, in policy and practice, to high standards of shared governance. The complex variety of tasks performed by institutions of higher learning require interdependence amongst the Board of Trustees, the administration, the faculty, the staff, and the students. The faculty, represented by the Faculty Senate, has primary responsibility for advice and recommendations in such fundamental areas as curriculum, research, faculty status, and aspects of student life that relate to the educational process. Responsibility for faculty status includes making recommendations for appointments, promotions, tenure and termination. Advice and recommendations in these matters are made through established procedures outlined in the Faculty Handbook. The staff, represented by the Staff Senate, has primary responsibility for advice and recommendations regarding policies and procedures related to non-faculty employees, including their professional development, welfare, and operational environment. Advice and recommendations in these matters are made through established procedures outlined in the Staff Handbook. Students, represented by the Student Government Association, have primary responsibility for advice and recommendations related to campus life, student services, and student organizations. Advice and recommendations in these matters are made through established procedures outlined in the Student Handbook.

When recommendations from the Faculty Senate, the Staff Senate or the Student Government Association are not followed, the administration shall provide a written response articulating why the recommendation was not followed. The provisions of this paragraph shall not apply to individual personnel decisions regarding university employees.

Academic Freedom

In keeping with the mission of the University and with the relevant aims of higher education in state-supported colleges and universities, Arkansas Tech University subscribes to the principles of academic freedom and academic tenure. Arkansas Tech University recognizes that academic freedom is integral and necessary to promote freedom of inquiry for its faculty in both teaching and research. A faculty member is entitled to freedom in research and the publication of results from research, subject to the adequate performance of other academic duties. A faculty member is entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.[1]

Tenure

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[1] *The university's "Regulations on Academic Freedom and Tenure," (based on "Recommended Regulations on Academic Freedom and Tenure," AAUP Bulletin, December, 1972), were approved by the Board of Trustees on April 15, 1976.*

Tenure is a means to guarantee academic freedom in teaching and research. Academic freedom is indispensable to the success of an institution in fulfilling its obligations to its students and society.

Tenure also is intended to create an environment at the university that fosters continuity in its experienced faculty and in the academic functions for which faculty are responsible. Appointment to tenure recognizes a commitment by the faculty member to exemplify the highest professional and academic standards.

The award of tenure is made by the Arkansas Tech University Board of Trustees and entails special and important obligations. The tenured faculty and administration should create and sustain an intellectual environment where non-tenured colleagues can think, investigate, speak, write, and teach, secure in the knowledge that their intellectual vitality is both essential and welcome.

Tenured faculty must play a meaningful role in shaping the character of the faculty and in assuring its quality. Therefore, the duty to seek the best qualified persons for appointment weighs most heavily on the tenured faculty, who are also entrusted with responsibility for retention and promotion recommendations. The roles that tenured faculty play in department, college, and university promotion and tenure decisions, in university-level appeals of those decisions, and in university-level appeals of termination for cause are carried out in committees specifically established in this Faculty Handbook for those purposes.

To meet its responsibilities in annual review, mid-term review, tenure and promotion, and long-range planning, the tenured faculty in each academic department shall make its recommendations as the standing Department Promotion and Tenure Committee (DPTC). The committee shall communicate its recommendations in writing to department heads, deans, and, where appropriate, the administration of Arkansas Tech University.

Collegiality

Faculty members at Arkansas Tech University are expected to be effective teachers, scholars in their disciplines, and to provide meaningful service to the university and community. Overarching expectations of all faculty include professionalism and collegiality in teaching, scholarship, and service. Collegiality is not a separate criterion upon which any faculty member is assessed, but is assumed to be an integral aspect of the faculty member's professional life. The absence of collegiality in all aspects of a faculty member's professional life is considered to be a deficiency. Collegiality among associates involves appreciation of and respect for differences in expertise, ideas, and background, as well as cooperation and collaboration in achieving department, college, and university goals. The concept of collegiality, however, should be distinguished from congeniality; to be congenial is parallel with sociability and agreeableness, while collegiality is a positive and productive association with colleagues. A faculty member need not be congenial to be collegial.

Faculty Load

Arkansas Tech University is dedicated to student success. Although many factors play into college student success, faculty interaction is one of the essential experiences associated with college student academic achievement and persistence. Faculty workload directly impacts both formal (classroom) and informal (out-of-classroom) interaction with students. Maintaining appropriate faculty teaching loads (typically twelve credit hours per semester) will allow all Arkansas Tech University faculty to

work with students and community members for the betterment of Arkansas, the nation, and the world.

To support that mission and ensure compliance with Arkansas ACCESS Act (2025), faculty evaluations, including annual and post-tenure reviews, must be based on assigned duties such as teaching, research or creative activity, service, and other contractual responsibilities. Faculty conduct outside those duties may be considered only if it directly affects a faculty member's professional role or involves documented violations of law, policy, or ethical standards as defined by ATU and Arkansas ACCESS Act (2025). In such cases, faculty must be afforded written notice, an opportunity to respond, and a review consistent with ATU's due process procedures.

ACADEMIC APPOINTMENTS

The terms and conditions of every academic appointment and any subsequent extensions or modifications of an appointment, special understandings, and notices will be stated or confirmed in writing and delivered to the appointee. Untenured persons with academic appointments will be informed each year in writing of their appointment status and will receive annual evaluations reflecting their performance.

Types of Academic Appointments

Academic appointments at Arkansas Tech University include tenured, tenure-track, instructor-track, and visiting:

1. Tenured Appointments

Faculty contracted in tenured appointments include the ranks of assistant professor, associate professor, professor, and distinguished professor. Tenured faculty members have completed their probationary period and have been granted tenure through the processes outlined in the Faculty Handbook. Primary duties of tenured faculty include teaching, scholarship, and service, which are evaluated annually by the department head and peer reviewed by the DPTC. Tenured faculty are also expected to participate in activities such as retention, evaluation, and promotion of junior faculty to maintain academic quality in the university.

Tenured appointments serve as a commitment by the university to a sequence of annual appointments. These annual appointments are terminated only by resignation, retirement, removal for cause, financial exigency, or discontinuance of a program. While contracts are annual, tenure shall be considered an act of good faith on the part of the university to guarantee continued employment of tenured faculty members. A faculty member may be tenured only with respect to their academic rank and not with respect to any administrative titles or assignments.

Unless otherwise specified, tenured faculty are required to have terminal degrees from accredited institutions in their respective fields, as recommended by the department head, DPTC and dean[2], and accepted by the Executive Vice President for Academic Affairs and Provost and Provost.

[2] *Arkansas Tech University recognizes that within the university community, there is a valuable body of faculty who have been tenured and promoted without a terminal degree. These legacy faculty members are eligible for all privileges extended by the university to tenured faculty.*

2. Tenure-Track Appointments

Faculty members in tenure-track positions are eligible for tenure but have not completed their probationary period. Tenure-track faculty are typically required to have terminal degrees from accredited institutions in their respective fields, as recommended by the department head, DPTC and dean and accepted by the Executive Vice President for Academic Affairs and Provost and Provost. Primary duties of tenure-track faculty members include teaching, scholarship, and service, which are evaluated annually by the department head and peer reviewed by the DPTC. Tenure-track faculty may hold the ranks of distinguished professor, professor, associate professor, and assistant professor and must complete the tenure review processes outlined later in this Faculty Handbook to attain tenured status.

Unless otherwise specified in the faculty member's letter of appointment, tenure-track appointments include a probationary period with eligibility to apply for tenure and/or promotion in the academic year following five academic years of service at Arkansas Tech University. An academic year starts in the fall semester and includes both fall and spring semesters. The academic years ends with the conclusion of the spring commencement ceremony. The probationary period is six full academic years. For faculty members not beginning their employment at the start of the academic year, the first year of their probationary period will start in the following academic year. During their probationary period, tenure-track faculty members receive annual contracts with the possibility of non-renewal contingent upon violation of university policy or failure to meet departmental standards for teaching, scholarship, and service. A faculty member may generally serve in a tenure-track position without tenure for no more than six academic years, including any reduction of years awarded for prior professional activities in the initial contract. Final tenure decisions should be made in the candidate's sixth academic year, as specified by the tenure and promotion calendar set by the Executive Vice President for Academic Affairs and Provost and Provost each academic year. In cases where tenure is offered at the time of hire, the DPTC will serve in an advisory role to the administration in making the tenure recommendation to the Board of Trustees.

At the time of initial appointment, faculty members will be advised of the guidelines and procedures generally employed in decisions affecting renewal and tenure. Any special guidelines adopted by the particular department or college will be brought to the faculty member's attention. Faculty members will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material which they believe will be helpful to the adequate consideration of their application. Tenure-track faculty who do not receive tenure shall be given a timely notice of non-reappointment in accordance with standards set forth in the Faculty Handbook and will receive a terminal appointment for the following academic year.

When a recommendation or a decision not to renew a probationary appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the recommendation or decision; and, the faculty member will be advised in writing of the reasons which contributed to that decision.

Regardless of the stated term or other provisions of any appointment, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment, as follows:

(a) by January 15 before the expiration of an individual's first-year probationary appointment;

(b) by October 15 before the expiration of an individual's second-year probationary appointment;

(c) at least 12 months before the expiration of a probationary appointment of an individual who has had two or more years of service at the institution.

Insofar as the faculty member alleges that the decision against renewal was based on inadequate procedural consideration, the faculty member may request that the Faculty Welfare Committee (FWC) review his or her case in terms of the relevant procedural standards specified in this Faculty Handbook.

A tenure-track faculty member may request an extension of a probationary appointment to accommodate exigencies or unexpected hardships. A written explanation outlining the basis for the request must be submitted to the dean and if recommended by the dean, to the Executive Vice President for Academic Affairs and Provost and Provost for final approval. The request must be submitted prior to the end of the academic year (last day of faculty contracts for spring term) preceding the final year of the faculty member's probationary period. The Executive Vice President for Academic Affairs and Provost and Provost will indicate in writing, within 10 business days, whether the probationary period has been extended and specify the length in time of the extension.

Prior professional experience at an accredited college or university or equivalent professional experience may be counted towards the probationary period of applicants. The dean, in consultation with the hiring committee and the department head, will recommend to the Executive Vice President for Academic Affairs and Provost and Provost whether credit will be given to the faculty member. Departmental Promotion and Tenure Committees may recommend guidelines for providing credit towards tenure and promotion. Time credited to the faculty member for promotion and tenure must be included in the initial notification of appointment.

3. Instructor Track Appointments

While tenured and tenure-track appointments should make up the core of the university faculty, instructor-track positions may be established to fill specific and limited departmental needs. Instructor-track faculty are required to have at least a Master's degree in their respective fields. Primary duties of instructor-track faculty members may include teaching, scholarship, and/or service. These duties are evaluated according to assignment each year by the department head and peer reviewed by the Departmental Promotion and Tenure Committee. Faculty contracted in instructor-track appointments are eligible for promotion but are not eligible for tenure. The appointments of instructor-track faculty may be terminated for cause prior to the expiration of the period of appointment. Instructor-track faculty may hold the ranks of instructor, senior instructor, and university instructor.

New instructor-track appointments will start at the instructor level. Unless otherwise specified in the faculty member's letter of appointment, faculty at the rank of instructor are eligible for promotion to senior instructor in their sixth year of service as an instructor at Arkansas Tech University. Senior instructors are eligible for promotion to university instructor in their sixth year of service as a senior instructor at Arkansas Tech University. Instructor-track appointments are renewed annually, contingent upon university need and satisfactory performance.

At the time of initial appointment, instructor-track faculty members will be advised of the guidelines and procedures generally employed in decisions affecting renewal. Any special guidelines adopted by the particular department or college will be brought to the faculty member's attention. Faculty members will be advised of the time when decisions affecting renewal are ordinarily made, and will be given the opportunity to submit material which they believe will be helpful to the adequate consideration of their appointment. Those not to be retained shall be given a timely notice of non-reappointment as discussed hereafter.

When a recommendation or a decision not to renew an instructor-track appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the recommendation or decision; and, the faculty member will be advised in writing of the reasons which contributed to that decision.

Regardless of the stated term or other provisions of any appointments, written notice that an initial appointment is not to be renewed will be given to the faculty member in advance of the expiration of the appointment, as follows:

(a) by January 15 before the expiration of an individual's first-year probationary appointment;

(b) by October 15 before the expiration of an individual's second-year probationary appointment;

(c) at least 12 months before the expiration of a probationary appointment of an individual who has had two or more years of service at the institution.

Insofar as the faculty member alleges that the decision against renewal was based on inadequate procedural consideration, the faculty member may request that the FWC review his or her case in terms of the relevant procedural standards specified in this Faculty Handbook.

4. Visiting Appointments

Academic staff contracted in visiting positions of any rank are not eligible for tenure or promotion. Visiting academic staff are required to have at least a Master's degree in their respective fields. The primary responsibility for visiting faculty is teaching and related responsibilities (typical load 15 credits per semester). In some cases, responsibilities may include scholarship, and/or service. Visiting academic staff are evaluated according to assignment each year by the department head in consultation with the Department Promotion and Tenure Committee. Appointments of visiting academic staff are considered at will and may be terminated for cause prior to the expiration of the period of appointment.

The designation "visiting" is reserved for academic staff hired on a temporary basis to meet programmatic needs. The term of hire for a visiting faculty member is to be determined by department heads and deans. As special and temporary appointments, the maximum term of service for a visiting faculty member of any rank designation is three consecutive years. This maximum term does not apply to continuing appointments for visiting faculty whose contract start date was prior to June 1, 2018.

5. Administrative Appointments

The administrative functions, titles, and status of the president, vice presidents, deans, registrar, librarian, directors, department heads, and others with administrative responsibilities for academic or non-academic services shall be distinct and severable from their functions, titles, and status, if any, as academic faculty members.

FACULTY EVALUATION, PROMOTION, AND TENURE POLICIES AND PROCEDURES

A complete credential file on each faculty member is maintained in the Academic Affairs Office. Each first-year faculty member will complete the "Faculty Record" and submit it to the Academic Affairs Office during the first week of the fall semester. The "Faculty Record" is housed in the Academic Affairs office and kept up-to-date by working with the faculty members and their department heads. Each faculty member will provide the Academic Affairs Office with up-to-date copies of all official college transcripts for inclusion in the individual's personnel file.

Portfolios for annual evaluation, mid-term review, promotion, and tenure may be submitted in digital format per the timeline set by Academic Affairs. Digital format standards for portfolio submission will be established by the Faculty Senate in consultation with the Executive Vice President for Academic Affairs and Provost and Provost.

All parties involved in the annual review and/or promotion and tenure process are expected to follow the evaluation, promotion, and tenure policies and procedures outlined in this section. Failure or refusal to follow the evaluation, promotion, and tenure policies and procedures outlined in the handbook may be considered a violation of the employment contract and result in disciplinary action. Special consideration in adapting the process to meet very specific and rare circumstances require application in writing and approval of the DPTC, Department Head, Dean, and Executive Vice President for Academic Affairs and Provost and Provost prior to any exception.

<u>Definition of Roles</u>

1. Faculty and Academic Staff

   Faculty and academic staff fulfilling teaching, scholarship, or service expectations as part of their normally assigned duties are required to participate in the annual faculty evaluation process. Tenure-track faculty must be evaluated for tenure in the sixth academic year of their probationary period and undergo that review to continue employment at Arkansas Tech University. Any reduction in the time of a candidate's probationary period for tenure must be agreed upon at the time of employment and clearly stated in the faculty member's letter of appointment and annual contract. Tenured, tenure-track, and instructor-track faculty may be evaluated for promotion in or after the sixth academic year of their current rank. Any reduction in the time of a candidate's probationary period for promotion must be agreed upon at the time of employment and clearly stated in the faculty member's letter of appointment and annual contract.

2. Departmental Promotion and Tenure Committee

   The Departmental Promotion and Tenure Committee (DPTC) performs annual and mid-term peer review evaluations of faculty. Additionally, DPTC members vote to recommend or not

recommend tenure and promotion for tenured, tenure-track and instructor-track probationary faculty as applicable. Portfolio preparation is highly recommended using the guidelines in the faculty handbook for faculty of all ranks, because a lack of information may impact applications for promotion or tenure.

In colleges where no departmental structure exists, a College-wide Promotion and Tenure Committee will be utilized. All of the policies and procedures will remain the same as described in this handbook with the exception that when the term "department" is referenced, it will be deemed to include the entire college if no departmental structure exists. In organizational structures that do not include a department head, when the term "Department Head" is referenced, it will refer to a designee of the Dean. This designee must serve as assistant dean, associate dean or in some other supervisory role.

Within the first two weeks of the academic year, the department head will call a meeting of the members of the DPTC. The DPTC will elect a chair to organize meetings, collect portfolios, and serve as the primary point of contact for the DPTC.

The DPTC consists of all tenured faculty at the associate rank or above in the department, excluding the department head. Each DPTC must have a minimum of three members. If a department has fewer than three tenured faculty members at associate rank or higher, then that department should seek out additional membership from departments in a closely related field with comparable standards for evaluation, promotion, and tenure. The term of service for faculty members serving on an external DPTC shall be two years. Faculty members serving on the DPTC of another department may be exempt from serving on the DPTC of their own department if they so choose and is approved by their academic dean. Departmental Promotion and Tenure Committees may create a peer review subcommittee of no fewer than three members to perform annual and mid-term faculty peer review; all members of the DPTC are expected to participate in mid-term, tenure, and/or promotion decisions. When considering the promotion of a non-tenure-track instructor to a higher rank, then, when possible, one instructor at a higher rank from within or outside of the department will be selected by the DPTC membership to serve as an ad hoc member of the DPTC for the evaluation of that specific instructor's application for promotion; instructors will not participate in tenure and/or promotion discussions or decisions for tenure-track or tenured faculty.

The DPTC shall provide a written formative peer assessment of each faculty member's performance in teaching, scholarship, and service for annual faculty peer review, and mid-term reviews. These formative evaluations will be submitted to both the faculty member and the department head. The DPTC will report the number of votes for and against each candidate's application for tenure and/or promotion along with any rationale, written explanation, or context for the vote that the committee wishes to provide. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process. To avoid conflicts of interest, any member of the DPTC up for promotion review will be excused from the review and voting on their own materials, and the DPTC may include a qualified representative from a closely related field for that review and vote. DPTC members also shall recuse themselves (leaving the room during the discussion) or be excused by a majority vote of the DPTC in cases where other conflicts of interest may occur. A replacement may be appointed by the DPTC membership.

The DPTC is expected to work with the department head to establish guidelines for evaluation of all faculty of each type and rank, and these guidelines would be made available to the faculty members at the start of the evaluation period, giving the faculty member adequate time to meet expectations. Academic evaluation, conducted by learned peers within one's discipline, is an essential component of the promotion and tenure process.

3. Department Head

The department head is a faculty member that receives a reduction in teaching load each semester, negotiated with the dean of the college, to perform administrative duties in the department. As part of those administrative duties, the department head is required to perform annual faculty evaluations, mid-term reviews for tenure-track probationary faculty members, and promotion and tenure reviews for all tenured, tenure-track, and instructor-track faculty in the department, as applicable. As faculty members, department heads are required to undergo all DPTC evaluations required of other faculty members, including annual faculty evaluations and tenure or promotion reviews. Deans will evaluate the administrative duties of department heads as well as their teaching, scholarship, and service.

Department heads are expected to evaluate all departmental faculty members' and visiting academic staff's teaching, scholarship, and service, as applicable. They will offer routine, assessment of the faculty member's progress toward tenure, promotion and continued appointment, as applicable. Department head evaluations are expected to consider peer review recommendations and tenure and promotion votes made by the DPTC.

Department heads and the DPTCs work together with the deans to identify guidelines for evaluation of all faculty of each type and rank. These guidelines must be made available, at the start of the evaluation period, to the faculty; hence giving faculty members adequate time to meet expectations.

4. Dean of the College

The dean of the college (dean) serves as part of the administration of Arkansas Tech University. As such, the dean has numerous responsibilities including mid-term reviews for tenure-track probationary faculty members, and promotion and tenure reviews for all tenured, tenure-track, and instructor-track faculty in the department, as applicable. The dean is expected to offer honest assessment of the standing of any faculty member over the term of their employment, especially in terms of reviews leading to contract renewal and promotion and tenure decisions. This assessment is expected to consider recommendations made by the DPTC and department head. Given the dean's position as an administrator, his or her evaluation of faculty will be broader in scope by placing individual accomplishments and qualifications of faculty in a context of departmental, program, and college needs.

The dean is expected to communicate with department heads and DPTCs to ensure consistent standards for evaluation of all faculty of each type and rank across departments. The dean also must take into account the unique characteristics that may exist for each department in all of his/her promotion and tenure recommendations. The recommendation of the dean is included in the faculty member's portfolio as it progresses to the University Promotion and Tenure Committee and the Executive Vice President for Academic Affairs and Provost.

5. University Promotion and Tenure Committee

The University Promotion and Tenure Committee (UPTC) performs promotion and/or tenure reviews for all faculty applying for tenure and/or promotion at the university. The UPTC is tasked with recommending approval or disapproval of all applications submitted. The UPTC should carefully consider all recommendations made by the DPTC, department head, and dean, and is expected to take into account the unique characteristics that may exist for each department in all of its promotion and tenure recommendations. The committee is also expected to keep in mind that academic evaluation, conducted by learned peers within one's discipline is an essential component of the promotion and tenure process.

The UPTC will report the number of votes for and against each candidate's application for tenure and/or promotion along with any rationale, written explanation, or context for the vote that the committee wishes to provide. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process.

The UPTC shall consist of one tenured faculty member at the associate rank or higher from each of the colleges (i.e., Arts and Humanities, Business and Economic Development, Education and Health and Science, Technology, Engineering and Mathematics). Faculty serving as department heads or deans are not eligible for appointment to the UPTC. Persons applying for promotion may not serve on the UPTC. Any UPTC member with a conflict of interest relating to a particular application shall recuse themselves or be excused by this committee from reviewing that application.

Three of the members of the UPTC shall be appointed by the chair of the Faculty Senate with the Faculty Senate's advice and consent, and three members shall be appointed by the Executive Vice President for Academic Affairs and Provost. Appointments shall be for three years. The chair of the Faculty Senate and the Executive Vice President for Academic Affairs and Provost shall each appoint one new member each year thereafter for a three-year term. The Faculty Senate chair shall have first choice in the appointment process. Members of the UPTC should not serve successive terms.

6. Executive Vice President for Academic Affairs and Provost

The Executive Vice President for Academic Affairs and Provost (EVPAAP) is the chief academic officer at Arkansas Tech University. As such, the EVPAAP has numerous duties and is primarily responsible for managing the internal academic operations of the university. One responsibility of the EVPAAP is to review the performance of faculty members as part of the promotion and/or tenure process. The review of the EVPAAP is expected to consider the recommendations made by the DPTC, department head, dean, and the UPTC. Given the EVPAAP's position as an administrator, his or her evaluation of faculty will be broader in scope by placing individual accomplishments and qualifications of faculty in a context of departmental, program, college, and university needs.

The EVPAAP may communicate with the department heads, DPTCs, deans and the UPTC to clarify the standards for evaluation of all faculty of each type and rank across departments. The EVPAAP is expected to take into account the unique characteristics that may be present across departments in all of its promotion and tenure recommendations, keeping in mind that academic evaluation, conducted by learned peers within one's discipline, is an essential component of the promotion and tenure process. The recommendation of the EVPAAP is included in the faculty member's portfolio as it progresses to the President and Board of Trustees.

7. President of the University

   The President is the chief executive officer at Arkansas Tech University. As such, the President has numerous duties and responsibilities in managing both internal operations and external relationships for the university. As part of the tenure and promotion process, the review of the President is expected to consider the recommendations made by the DPTC, department head, dean, UPTC, and EVPAAP, keeping in mind that academic evaluation, conducted by learned peers within one's discipline, is an essential component of the promotion and tenure process. Given the President's position as an administrator, his or her evaluation of faculty will be broader in scope by placing individual accomplishments and qualifications of faculty in a context of departmental, program, college, and university needs. The President makes the final recommendation to the Board of Trustees on tenure and/or promotion for a faculty member.

8. Board of Trustees

   The Board of Trustees (Board) is the final decision-making body for Arkansas Tech University. As such, the Board has final approval in all matters regarding faculty status, including promotion and/or tenure decisions.

Portfolios, Workload, and Weighted Evaluations

For accurate evaluation, faculty members are required to maintain a portfolio (electronic or physical according to department and university standards) providing evidence of effective teaching, scholarship and service, as applicable. Written guidelines for annual evaluation of teaching, scholarship, and service in each department will be established and amended in consultation with the Departmental Promotion and Tenure Committee, department head and dean (see Appendix A for a guide on creating a portfolio).

Percentage weights assigned to teaching, scholarship, and service are for evaluation purposes and indicate the relative emphasis of these duties for each individual faculty member. The weights reflect an estimate of the time spent on each of these duties during contracted hours. Department heads should keep in mind that as a general principle each single, three credit hour course equates to 20% of a tenure-track faculty member's workload per semester. No less than 20% of the tenure-track faculty member's total workload should be allocated to scholarship and service. Where appropriate, instructor-track faculty and visiting academic staff may be contracted to teach a 100% workload (e.g. five three credit hour courses).

Weight adjustments in teaching, scholarship, and service in a given year will be agreed to by the faculty member and the department head and must be clearly justified in the written department head annual evaluation.

It is the primary responsibility of each faculty member to ensure that adequate records are established, collected, maintained, and included in the portfolio for all forms of evaluation. Evidence should be current and related to the review period. Evaluations for promotion should consider accomplishments since promotion to the current rank.

Those faculty members who are to be considered for annual evaluation, mid-term review, promotion and/or tenure are responsible for presenting evidence of their qualifications.

Faculty will be evaluated each year in the following three areas:

1. Teaching

   Tenured and tenure-track faculty will dedicate no less than 60% of their workload to teaching unless contracted to a special assignment. Instructor-track faculty will dedicate no less than 80% of their workload to teaching unless contracted to a special assignment. Visiting academic staff assignments will vary according to need. Instructor-track faculty and visiting academic staff may be assigned to 100% teaching loads.

Teaching involves the transference of knowledge or skill to students. Teaching will be evaluated on the basis of:

- An annual peer review of the teaching portfolio conducted by the DPTC.
- An annual review of the teaching portfolio conducted by the department head.
- Other evidence of teaching effectiveness which may include but not limited to:
  - Objectives, syllabi, exams
  - Student learning outcomes (e.g., pre-test and post-test comparisons, objective mastery assignment results, etc.)
  - Course modification/improvement and teaching techniques
  - Advising and mentoring
  - Professional development in teaching
  - A university-wide, standard, student evaluation to measure effectiveness of classroom teaching.
  - In-class observation by faculty peers.

Faculty members are expected to remain current in their field through activities such as continuing education.

Note that student evaluations will be collected via an online system approved by the Faculty Senate and managed by the Office of Institutional Research. The Office of Institutional Research will collect and organize student evaluation data, as well as make results of student evaluation available to faculty members online or, if requested by the faculty member, in paper form. All courses will be evaluated each semester, and department heads may exempt courses from evaluation under extraordinary circumstances (e.g., when a single student is registered for a course and his or her anonymity is compromised, or when a teacher of record is replaced half way through the semester). By state law, all student evaluations will include a question on English fluency of the faculty member or graduate teaching assistant (ACA 6-63-104).

2. Scholarly/Creative Activity

   Tenured and tenure-track faculty will dedicate no less than 10% of their workload to scholarship unless contracted to a special assignment. Instructor-track faculty and visiting academic staff assignments will vary according to need. Instructor-track faculty and visiting academic staff may be assigned to 100% teaching loads.

Scholarship has four overlapping areas of concentration: the scholarship of discovery, integration, application, and teaching. The scholarship of discovery is most easily defined as "traditional" research – original research that expands human knowledge: "What is to be known, what is yet to be found?". The scholarship of integration focuses on finding the interconnections between ideas and disciplines, which includes multi- and inter-disciplinary work that asks "What do the findings mean?", especially in larger, societal contexts. The scholarship of application deals with applying faculty expertise to meet societal service needs, as long as the traditional research rigor and accountability are an integral part of the service activity. Finally, the scholarship of teaching includes not only performing research on pedagogy, but also consistently seeking, understanding, implementing and evaluating new knowledge of one's own discipline that is utilized in the classroom to the student's benefit.[3] Scholarship in any discipline at Arkansas Tech University may fall under each of these broad headings. Examples are provided below of each category as a general reference, but this is not meant as an exhaustive list:

- Discovery
  - Original research, creative production and theory/method development (i.e., publication of articles in scholarly journals; proceedings; technical reports; presentations at professional meetings; museum exhibits; original musical or theatrical compositions, stage design, etc.).
  - Supervision of graduate and undergraduate research or capstone projects; serving on graduate thesis committees; advisor for graduate research project; reader of graduate research paper.

- Integration
  - Meta-analysis, literature reviews, multi- and inter-disciplinary collaborations, musical or theatrical performance-related activities.
  - Editing articles, journals, reports, grant applications, essays, monographs, music scores, plays, stories and other creative endeavors, as well as writing textbooks, newsletters, popular publications, newspapers, documents, other public forums.

- Application
  - Conducting workshops, short courses, in-service education programs, forums or seminars in addition to normal teaching load.
  - Preparation of grant proposals with emphasis placed upon successful solicitations.
  - Providing consulting services, or other service activities tied directly to one's academic field.

- Teaching
  - Pedagogical research
  - Significant and innovative revisions of courses, programs or curricula including (but not limited to) production of publicly available teaching materials, manuals, workbooks, study guides, films, videos, computer software, etc.

Although each of the examples cited above constitutes scholarly activity, emphasis should be placed on original, peer-reviewed contributions that are shared and disseminated.

3. Service

[3] *See Ernest Boyer's "Scholarship Reconsidered: Priorities for the Professoriate" (1990).*

Tenured and tenure-track faculty will dedicate no less than 10% of their workload to service unless contracted to a special assignment. Instructor-track faculty and visiting academic staff assignments will vary according to need. Instructor-track faculty and visiting academic staff may be assigned to 100% teaching loads.

Service involves providing help or support to a community through a combination of impactful activities that includes, but is not limited to the following:

- Service to the institution
    - membership on university committees
    - membership on college or departmental committees
    - participation in self studies
    - participation in academic program development
    - sponsoring/advising student organizations
    - participation in student recruitment
    - serving as an official representative of the University
    - grant writing (non-research types of grants)
    - faculty level administrative duties (without release time)
    - teaching uncompensated overloads

- Service to the profession
    - membership in professional organizations
    - attendance at professional meetings
    - holding office in professional organizations
    - serving on committees of professional organizations
    - providing uncompensated consulting services (This may not be the sole component of the professional service area.)
    - organizing, conducting, or assisting with professional meetings
    - serving on committees for accreditation
    - service to public schools

- Service to the community
    - participating in community projects
    - holding public office
    - assisting public organizations
    - public activity in organizations
    - service to public schools

Individuals and committees evaluating portfolios for promotion or tenure should be aware of the diversity of disciplines; in many circumstances, professional expectations and practices will vary from discipline to discipline and that criteria for evaluating faculty on teaching, scholarship, and services may also vary from discipline to discipline.

<u>Annual Review and Evaluation:</u>

Arkansas code (ACA 6-63-104) states that "each state-supported institution of higher education in Arkansas shall conduct a rigorous, consistently applied, annual review of the performance of all full-time faculty members. This review shall include assessments by peers, students, and administrators

and shall be utilized to ensure a consistently high level of performance and serve in conjunction with other appropriate information as a basis for decisions on promotion, salary increases, and job tenure."

Annual evaluation at Arkansas Tech University is intended to promote better teaching, scholarship, and service of the faculty. All individuals holding faculty appointments will undergo an annual evaluation of teaching, scholarship, and service by the DPTC and the department head. Annual evaluations will be used in reappointment, promotion, and tenure decisions. Criteria used by the department head in faculty evaluation must be determined in consultation with the DPTC and conform to general disciplinary standards.

Each tenured, tenure-track, and instructor-track faculty member's portfolio will be peer reviewed annually by the DPTC and evaluated by the department head. Written departmental guidelines will be created by department heads in collaboration with the DPTC for annual evaluation of teaching, scholarship, and service. These guidelines will be made available for individual and committee reference in advance of the annual evaluation, giving the faculty member adequate time to meet expectations.

Post-Tenure Review

Post-Tenure Review (PTR) is a developmental process intended to sustain consistently high performance. PTR is neither a disciplinary shortcut nor, by itself, grounds for termination. Tenure remains in force, and the faculty member's status is recorded as Tenure Conditionally Maintained during PTR. PTR may not be used to retaliate or to implement program changes, downsizing, or reassignments unrelated to documented performance in the faculty member's assigned duties. If PTR is not successfully completed, any termination action must proceed only under ATU's Academic Termination Policies and Procedures and must meet those procedures' evidentiary and procedural standards.

To ensure transparency and shared governance, the DPTC plays a meaningful role in both the annual evaluation and any PTR. Annual evaluations, grounded in assigned duties, recognize accomplishments and, when warranted, identify deficiencies using DPTC rubrics published in advance and applied consistently. PTR is governed by the criteria, weights, and rubrics in effect for the year of PTR notice. When an initiating condition relies on ratings from consecutive years, the criteria and instruments published for each year used apply to that year. No retroactive changes are permitted, and later changes apply prospectively. Inputs used in PTR (student course evaluations, peer/DPTC reviews, and administrative assessments) must be the same instruments and procedures used in the applicable annual cycle or cycles. The DPTC and department head provide written evaluations under the published criteria, and the Dean reviews for consistency and workload-proportionate application before any PTR initiation or outcome. Faculty retain the right to appeal PTR outcomes, remediation plans, and tenure-status decisions through the established grievance process.

PTR is not automatic; it may be initiated only after annual evaluation ratings meet the criteria below. When an initiating condition is met, the University will issue a separate written PTR notice within 15 business days of finalizing the annual evaluation. The notice states the basis for PTR

affords the faculty member an opportunity to submit a written response for the record and opens the remediation-planning window. The remediation plan is finalized within 30 calendar days of notice unless extended for good cause. If PTR remediation is required, departments may include DPTC input in developing the plan to ensure alignment with disciplinary expectations and institutional goals. Occasional or context-specific concerns alone do not justify PTR initiation, remediation, or tenure-status change absent the initiation criteria and procedures in this policy.

Post-Tenure Review Initiation Criteria

Post-tenure review (PTR) may be initiated only through the annual evaluation when serious concerns are documented, and only for categories assigned a non-zero weight in the written workload agreement for that year. Because Arkansas Tech University is a teaching institution, the Teaching category is always considered the primary category. When percentage weights assign equal emphasis (e.g., 50/50 or 40/40), Teaching is treated as co-primary alongside the other highest-weighted category. "Minor category" means any non-zero category with a lower assigned weight than Teaching or another co-primary.

Ratings follow the campus five-point scale (Excellent, Good, Satisfactory, Needs Improvement, Unacceptable) and are used solely to determine the binary threshold (satisfactory or above vs. below satisfactory) in PTR initiation; no averages or weighting are used. PTR is initiated when a tenured faculty member receives the applicable ratings of Needs Improvement or Unacceptable using the following criteria:

a. Teaching is rated Needs Improvement or Unacceptable in a single annual review; or

b. Non-teaching co-primary: a co-primary category other than Teaching is rated Needs Improvement or Unacceptable in two consecutive annual reviews, or both co-primary categories (including Teaching) are rated Needs Improvement or Unacceptable in the same annual review; or

c. Minor categories: the same minor category is rated Needs Improvement or Unacceptable in two consecutive annual reviews; or

d. Mixed co-primary and minor: a non-teaching co-primary category and a minor category are both rated Needs Improvement or Unacceptable in the same annual review, representing a combined workload deficiency exceeding 50%.

Consecutive-year evidence applies only to the non-teaching co-primary criteria in (b) and the minor-category criteria in (c). All other initiating conditions, including (a) teaching and (d) mixed co-primary, are determined solely by the current year's ratings. A category assigned 0% in that year's written workload cannot initiate PTR.

Post Tenure Review Notification

The Department Head issues the official written annual evaluation to the faculty member under the published criteria and the assigned workload. The Department Head then forwards the

evaluation, the DPTC's written annual peer review document for the current evaluation cycle, and any faculty response to the Dean.

The Dean determines whether the PTR is initiated and the criteria for PTR have been met by verifying consistency with the published criteria and the written workload agreement. The Dean issues a written PTR decision and either returns the evaluation for correction or confirms that PTR criteria have been met. Upon the Dean's confirmation, the EVPAA/Provost issues the formal PTR notice to the faculty member within 15 business days of the finalized annual evaluation. The notice states the basis for PTR and opens the remediation-planning window. Upon issuance of the PTR notice, the faculty member's tenure status is recorded as Tenure Conditionally Maintained for the duration of the remediation plan.

Within 30 calendar days of the PTR notice, the Department Head, in consultation with the faculty member and DPTC, finalizes a written remediation plan that includes all of the following:

a. Deficient category or categories. Name each category rated Needs Improvement or Unacceptable and list the assigned weight from the written workload agreement for the review year.

b. Performance standards and evidence. State the measurable milestones, the evidence that will be used to verify each milestone, and how that evidence maps to the campus five-point scale.

c. Supports and resources. Identify the supports to be provided, who provides them, and when they will be available. Examples include mentoring, peer observations, professional development, course releases, or research support.

d. Timelines. Set start and end dates for the plan, interim deadlines for each milestone, and the expected date window for summative reassessment consistent with the minimum periods below.

e. Formative check-ins and documentation. Set the frequency and format of check-ins, what will be reviewed at each check-in, and who will document progress and file it in the record.

To ensure time-intensive work is judged fairly, no summative PTR reassessment occurs before the minimum periods appropriate to the work. Teaching requires at least one full semester. Service requires one full semester or the next complete assignment or committee cycle, whichever is longer. Scholarship or creative activity requires two to three long semesters, recognizing disciplinary lead times. Formative check-ins occur each semester to document progress. A faculty member may request earlier summative reassessment upon reaching Satisfactory or higher in the previously deficient category. Approved leave, ADA accommodations, or other documented circumstances that materially affect implementation pause the timeline, and the minimum periods extend accordingly.

<u>Post Tenure Review Procedure and Outcomes</u>

Upon PTR notice, tenure remains in force and the faculty member's status is Tenure Conditionally Maintained. The University must provide the supports identified in the plan. If supports are delayed or unavailable, plan timelines pause until the supports are in place. After the plan is approved, implementation proceeds during the review year under the plan's timelines and supports. The faculty member may submit a written response at each checkpoint and retains all grievance and appeal rights. No summative PTR reassessment occurs before the minimum periods appropriate to the work:

a) Teaching requires at least one full semester.
b) Service requires one full semester or the next complete assignment or committee cycle, whichever is longer.
c) Scholarship or creative activity requires two to three long semesters.

Approved leave, ADA accommodations, or other documented circumstances that materially affect implementation pause the plan, and all dates extend for the length of the pause. The plan may be adjusted by mutual agreement to address barriers outside the faculty member's control.

An early-completion path is available once the minimum period has run and the plan's milestones and evidence have been met. For a Teaching category, PTR closes upon the first summative reassessment showing Satisfactory or higher in the deficient primary category. For co-primary, minor, or mixed co-primary and minor criteria PTR initiation, PTR closes upon the first post-notice summative reassessment showing Satisfactory or higher in the deficient category or categories, unless the written plan states that sustained performance for that category or categories must be confirmed at the next annual review because of discipline norms or the nature of the deficiency. Any such requirement must appear in the plan and identify the evidence that will be used. When early completion is granted, PTR ends and the status returns to Tenure Maintained.

At the first post PTR notification annual review, three outcomes are possible:

a) Completion: If the plan is complete and the deficient category or categories are Satisfactory or higher, PTR ends and the status returns to Tenure Maintained.
b) Satisfactory Progress: If the faculty member shows meaningful progress toward the plan outcomes, the plan continues with any needed adjustments and supports (Tenure Conditionally Maintained).
c) Disciplinary Pathway: Barring unusual circumstances, if there is no meaningful progress per the PTR plan, the Dean will recommend and the University will initiate a for adequate cause process under ATU's Academic Termination Policies and Procedures. If adequate cause is established through that process, tenure status is recorded as Tenure Revoked with termination as the final outcome.

The policy's notice period applies, and all evidentiary and procedural protections apply. "Meaningful progress" means meeting the interim milestones and producing the evidence specified in the plan for the review period.

At the second post-notice annual review, which is the final limit, two outcomes are possible:

a) Completion: If the plan is complete and performance is Satisfactory or higher in the affected category or categories, PTR ends and the status returns to Tenure Maintained.

b) Disciplinary Pathway: Barring unusual circumstances, if progress remains insufficient, the Dean recommends and the University will initiate a for adequate cause process under the Academic Termination Policies and Procedures. If adequate cause is established through that process, tenure status is recorded as Tenure Revoked with termination as the final outcome.

"Meaningful progress" means meeting the interim milestones and producing the evidence specified in the plan for the review period. The policy's notice period and due process protections apply.

Any decision to impose discipline after PTR notice relies on the post-notice record. Reviewers consider whether deficiencies are sustained across the post-notice period using up to a consecutive three-year sequence preceding the decision point (i.e., PTR initiation year, First Post PTR Review, and Final Post PTR Review). A termination recommendation requires clear and convincing evidence under the Academic Termination Policies and Procedures.

After PTR actions, status is recorded as Tenure Maintained, Tenure Conditionally Maintained, or Tenure Revoked. Any change of status includes written notice and access to appeal under University procedures.

Appeals and Due Process in Post Tenure Review

The Faculty Welfare Committee serves as the hearing body in any grievance arising from a faculty member contesting:

a) the outcome of a post-tenure review,

b) the terms, implementation, or findings of a remediation plan (particularly when such findings may lead to reclassification or dismissal), or

c) a decision to reclassify or revoke tenure.

In such cases, the Faculty Welfare Committee shall follow the procedures outlined in this section, including the right to hearing, representation, access to evidence, and appeal. Faculty are entitled to full due process protections at each stage. No reclassification or revocation of tenure shall occur outside of these established procedures Per the Academic Termination Policies and Procedures section of this handbook, the University bears the burden of proof, and in cases involving tenured faculty the standard is clear and convincing evidence.

Tenured faculty who are not subject to remediation continue to be classified as Tenure Maintained without interruption. Tenure status classifications will not be used to restrict academic freedom or otherwise alter the foundational principles of tenure, except as required

under the procedures outlined in this handbook and consistent with Arkansas ACCESS Act (2025) requirements

When a tenured faculty member is alleged to have engaged in conduct that meets the criteria for adequate cause termination, a separate process will apply under the Academic Termination Policies and Procedures section of this handbook. Examples include repeated failure to meet responsibilities, failure to complete required remediation, violations of law or university policy substantially related to job duties, criminal conviction affecting fitness to serve, unprofessional conduct that adversely affects the university, or falsification of academic credentials. These matters will follow the procedures outlined in the section Academic Termination Policies and Procedures and may result in termination even with tenured status. In such cases, the faculty member must be provided with written notice of the charges, an opportunity to respond, and a fair review in accordance with ATU's formal due process, as specified in the Academic Termination Policies and Procedures section.

The types of annual review and evaluation are as follows:

1. DPTC Peer Review

   The DPTC will review the portfolio with the intent of providing formative feedback on teaching, scholarship, and service for all faculty members. The reviews will be conducted by the DPTC on all full-time faculty members regardless of rank, tenure, or status. Classroom visitation may be included in the peer review process. Classroom visitations for the purposes of peer review must be scheduled at least three working days in advance of a visit.

   The DPTC will provide written feedback that helps mentor and prepare the faculty member for mid-term review, promotion, and/or tenure. For tenured faculty not seeking promotion, the DPTC will provide feedback on teaching, scholarship, and service accomplishments for the previous year.

   DPTC annual peer reviews are considered to be integral to the annual review process and will be included in the faculty member's portfolio along with the department head's annual evaluation.

2. Department Head Evaluation

   Department heads will review each portfolio annually and provide written evaluation of teaching, scholarship, and service for all faculty members. The evaluation will be conducted by the department head on all full-time faculty members regardless of rank, tenure, or status. Classroom visitation may be included in the evaluation process. Classroom visitations for the purposes of evaluation must be scheduled at least three working days in advance of a visit. Written departmental guidelines on expectations in teaching, scholarship and service will be created by department heads in collaboration with the DPTC. These guidelines will be made available for individual and committee reference in advance of the annual evaluation, giving the faculty member adequate time to meet expectations.

   The following five descriptive ratings will be used by department heads to rate faculty job performance in each of the three evaluation categories:

   - Excellent

- Good
- Satisfactory
- Needs Improvement
- Unacceptable

For consistency across campus, department heads will use the descriptive terms above in evaluating teaching, scholarship, and service and will provide a written explanation of their evaluation in each category.

Copies of all DPTC reviews and department head evaluations will be forwarded to the dean of the college. The deans will provide to the Office of Academic Affairs copies of the DPTC reviews and department head evaluations along with a summary of all annual evaluations within their college.

3. Procedures for Tenured, Tenure-Track and Instructor-Track Faculty:

a. Portfolio

A portfolio (electronic or physical) of teaching, scholarship, and service will be prepared annually by each faculty member and submitted to his or her DPTC. The portfolio will include the faculty member's previous annual evaluations, annual peer reviews, annual student evaluations, evidence of scholarship and service and other documentation of the prior year's professional accomplishments (see Appendix A on Portfolio creation). Portfolio materials and self-improvement plans become part of the faculty-maintained documentation for evaluation at each level of the promotion and tenure process.

Portfolios of faculty members with tenure must contain summary results of the university-wide student evaluation instrument in at least one section of each type or level of course the faculty member teaches each year (e.g., lower level, upper level, general education, online, graduate course). Tenure-track and instructor-track faculty must provide summary results of the university-wide student evaluation instrument for each course evaluated in each semester. Once submitted, no modifications or additions to the portfolio will be allowed.

b. DPTC

The DPTC will meet with each faculty member and provide an annual peer review of teaching, scholarship, and service. DPTCs may form a subcommittee of no fewer than three members to perform annual faculty peer review. The DPTC will produce a one to two page, written formative summary for each faculty member in terms of teaching, scholarship, and service, with recommendations for improvement. This document will be signed by the faculty member and submitted to the department head and dean prior to the department head's annual evaluation.

c. Department Head

The department head will annually evaluate the overall quality of teaching, scholarship, and service of each faculty member. The percentage weightings for teaching, scholarship, and service will be agreed to for the following year. Based on the weightings for the period under review, the department head will rate the faculty member as excellent, good, satisfactory, needs improvement, or unacceptable in each category. The department head will include a comprehensive summary of the three areas of evaluation for the faculty member with

recommendations for improvement. This document will be signed by the faculty member and the department head and submitted to the dean.

All faculty members should meet individually with the department head, review the evaluation results, and formulate a plan for professional improvement for the coming year. At this meeting, the department head will present to the faculty member the written evaluation of the faculty member's performance in teaching, scholarly/creative activities, and service.
At the annual evaluation meeting, or at any time during the academic year up to this point, the faculty member may present to the department head any additional information which he/she believes has relevance to the evaluation.

If the faculty member disagrees with any portion of the written annual review, he/she may attach a written statement citing the disagreement and the reasons for this disagreement, to the written evaluation.

4. Procedures for Visiting Academic Staff

Visiting academic staff will be evaluated annually. Criteria and procedures for evaluation outside of teaching will be established by the academic staff member's supervisor according to assigned workload.

The following five descriptive ratings will be used by department supervisors to rate academic staff job performance in teaching and/or other assigned duties:

- Excellent
- Good
- Satisfactory
- Needs Improvement
- Unacceptable

For consistency across campus, department heads will use the descriptive terms above for each of the reviewed categories; that is, teaching, scholarship, and service.

Visiting academic staff must have each course evaluated in each semester using the university-wide student evaluation instrument. Department heads will use this instrument in evaluating visiting academic staff teaching performance and arrange for collection of additional evidence of performance in teaching or other assigned duty areas.

The department head's evaluation will be forwarded to the academic staff member and the department head may choose to arrange a meeting to discuss performance results.

<u>Mid-term Review:</u>

1. Criteria

All tenure-track faculty and instructor-track faculty seeking promotion to senior instructor will be subject to a mid-term review. This review will take place during the third year of a full-time probationary appointment and at the conclusion of the fourth probationary year, considering the years of credit, for faculty receiving credit for prior service. Faculty will submit a mid-term portfolio summarizing their work to date at Arkansas Tech (see Appendix A for information on portfolio creation). Faculty at Arkansas Tech who receive credit toward tenure or promotion in their initial

contracts will follow procedures for mid-term review, which will be established at the time of employment and stated in their letter of appointment. Portfolios should cover both experience at Tech and experience at other institutions in the timeframe for which the faculty member is receiving credit toward tenure and/or promotion.

This mid-term review will proceed through both departmental and college level evaluation. At the department level, the DPTC and department head will provide formative reviews that will be forwarded to the Dean for additional comment. The DPTC, department head, and dean will review the portfolio in that order. Each will provide a written statement commenting on the faculty member's progress toward tenure and/or promotion. Reviews will address any deficiencies in the faculty member's performance to date and propose corrective courses of action. The mid-term review will be used for reference in tenure and/or promotion consideration.

The mid-term review is a formative process intended for tenure-track and instructor-track faculty during their probationary period. It does not replace or satisfy the post-tenure review requirements established by Arkansas ACCESS Act (2025). Post-tenure review applies only to tenured faculty and is initiated only when annual evaluation ratings meet the PTR criteria in the Post-Tenure Review Initiation Criteria section of this handbook. *Approved by ATU Board October 16, 2025

2. Procedures

a. Portfolio

Tenure-track faculty will prepare a mid-term portfolio of teaching, scholarship and service and submit it to his or her DPTC. Instructor-track faculty seeking promotion to senior instructor will prepare a mid-term portfolio of teaching and any other duties contracted and submit it to his or her DPTC. The portfolio will include the faculty member's previous annual reviews, annual peer reviews, student evaluations, and other documentation as evidence of professional accomplishments under the period of review (see Appendix A on Portfolio creation).

b. DPTC

The DPTC will produce a one page, written formative peer review reflecting on the candidate's progress to date toward tenure or promotion. DPTC evaluations will address any deficiencies in the faculty member's progress and propose corrective courses of action. The faculty member will sign the mid-term review letter, acknowledging that the review has taken place. The DPTC will forward the signed letter to the department head and dean. Mid-term review letters will be included in tenure and promotion portfolios.

c. Department Head

The department head will provide a written comprehensive assessment of the faculty member's progress toward tenure or promotion and meet with the faculty member to discuss corrective actions to address any deficiencies. The faculty member will sign the mid-term review letter acknowledging that the review has taken place. The signed review letter will be forwarded to the dean. Mid-term review letters will be included in tenure and promotion portfolios.

d. Dean

The dean will provide a written comprehensive assessment of the faculty member's progress toward tenure or promotion. The mid-term review letter will be signed by the faculty member, acknowledging that the review has taken place. Mid-term review letters will be included in tenure and promotion portfolios.

Tenure

Recommendations for tenure are based on overall professional attainment and expectation of further professional growth at Arkansas Tech University. Only tenure-track faculty at the rank of assistant professor, associate professor, professor, and distinguished professor are eligible for tenure. Three broad areas will be considered for tenure: teaching, scholarship, and service.

Unless otherwise specified in the letter of appointment, final tenure decisions will be made during the sixth year of the tenure-track faculty member's probationary period.

Those faculty members who are eligible and who wish to be considered for tenure are responsible for presenting evidence of their qualifications in a portfolio. Tenure requires a positive decision by the Board of Trustees after review by the DPTC, department head, dean, UPTC, Executive Vice President for Academic Affairs and Provost, and President.

If at any step in the tenure procedure the applicant does not receive a favorable recommendation, he/she may submit a written response to the individual responsible for making a recommendation at the next level. No new evidence, not included in the portfolio as submitted, will be considered. The faculty shall submit the statement within ten working days of notification of an unfavorable recommendation. The faculty member may withdraw his/her application at any time.
If tenure is granted, the recipient will continue his or her appointment on a yearly basis under the conditions and restrictions for tenured faculty as outlined in the Faculty Handbook. If tenure is not granted during the final year of probation, the faculty member will receive a terminal appointment for the following academic year.

1. Criteria

The university has established the following general criteria for tenure eligibility. Tenure requires a positive decision by the Board of Trustees after review by the DPTC, department head, dean, UPTC, Executive Vice President for Academic Affairs and Provost, and President.

Tenure Eligibility Chart

Tenure-Track	**Instructor-Track**	**Visiting**
Eligible for Tenure	Not Eligible for Tenure	Not Eligible for Tenure

Minimum Criteria for Tenure

Unless otherwise stated in the faculty member's contract, appointments for the first six years of employment shall be probationary and carry no implication of tenure. Whether and to what extent prior credit toward tenure will be included must be decided at the time of initial appointment in a mutually acceptable written agreement between the faculty member and Arkansas Tech University. The maximum time that may be credited toward tenure is three years.

The following criteria dealing with degree and judgment of performance should be considered *minimal***.** Applicants should keep in mind that attainment of the minimal standard does not guarantee tenure.

- An earned terminal degree in the discipline or closely related field.
- Only tenure track faculty at the rank of assistant professor, associate professor, professor, and distinguished professor are eligible for tenure. Instructor-track and visiting faculty are not eligible for tenure. All other academic staff positions are not eligible for tenure.
- Classroom instruction must be judged by the department head as at least "satisfactory" in four of the last five annual evaluations.
- Scholarship and service must be judged by the department head as at least "satisfactory" in a majority of annual evaluations.

The department head and dean, in consultation with the DPTC and Executive Vice President for Academic Affairs and Provost, will make determinations of what constitutes "closely related fields."

Even though the performance of a faculty member may be judged insufficient by an evaluator, the application must be allowed to proceed through the system if the faculty member so desires.

All terminal degrees must be received from an accredited institution.

2. Procedures

Portfolios for tenure will be reviewed by the DPTC, department head, dean, UPTC, Executive Vice President for Academic Affairs and Provost, and the President before the Board of Trustees final approval decision. At each level, faculty committees and relevant administrative reviewers are expected to communicate on matters related to criteria, standards, and all other matters relevant to the review of the faculty member's tenure application.

Evaluating committees and individuals should keep in mind that academic evaluations, conducted by learned peers within one's discipline, are an essential component of the tenure process.

Each academic year, the Office of the Executive Vice President for Academic Affairs and Provost will establish a calendar, with appropriate deadlines, for the operation of the tenure process no later than September 1. Individual faculty members may apply for tenure at times and under circumstances consistent with the calendar and with the minimal criteria for tenure as stated above. It is the responsibility of the individual faculty member to assemble all of the materials necessary for consideration. In instances where the faculty member is eligible for promotion and tenure in the same year, she or he may submit a single portfolio for promotion and tenure. Decisions on promotion and tenure, however, are separately determined.

a. Portfolio

Tenure-track faculty will prepare a tenure portfolio of teaching, scholarship and service. The portfolio will include the faculty member's previous annual reviews, annual peer reviews, student evaluations, and other documentation as evidence of professional accomplishment under the period of review (see Appendix A on Portfolio creation). Faculty will submit their tenure portfolios to their DPTC according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

b. DPTC

DPTC members will individually vote to recommend or not recommend promotion for tenured, tenure-track and instructor-track probationary faculty. The DPTC will report the number of votes for and against each candidate's application for promotion along with a written explanation providing rationale or context for each recommendation not to grant promotion. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the department head according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

Voting on promotion to full professor should be limited to those DPTC members with the rank of full professor in the candidate's discipline. Cases in which a minimum of three full professors in a candidate's discipline are not available, voting on promotion to full professor will be limited to the three highest ranking members of the DPTC in the candidate's discipline or a closely related field as determined by the DPTC.

c. Department Head

The department head will make a formal written recommendation to grant tenure or not to grant tenure for each applicant along with a written explanation providing rationale or context for each recommendation not to grant tenure. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure process, and the portfolio will be submitted to the dean according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

d. Dean

The dean will make a formal written recommendation to grant tenure or not to grant tenure for each applicant along with a written explanation providing rationale or context for each recommendation not to grant tenure. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure process, and the portfolio will be submitted to the UPTC according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

e. UPTC

UPTC members will individually vote to recommend or not recommend tenure. The UPTC will report the number of votes for and against each candidate's application for tenure along with a written explanation providing rationale or context for each recommendation not to grant tenure. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure process, and the portfolio will be submitted to the Executive Vice President for Academic

Affairs and Provost according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

f. Executive Vice President for Academic Affairs and Provost

The Executive Vice President for Academic Affairs and Provost will make a formal written recommendation to grant tenure or not to grant tenure for each applicant along with a written explanation providing rationale or context for each recommendation not to grant tenure. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure process, and the portfolio will be submitted to the President according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

g. President

The President will provide a written recommendation to grant tenure or not to grant tenure for each applicant along with a written explanation providing rationale, or context for each recommendation not to grant tenure. Recommendations of the DPTC, department head, dean, UPTC, and Executive Vice President for Academic Affairs and Provost shall be given deliberate and careful consideration on the question of tenure, but shall not be binding upon the President. The President's recommendations will be submitted to the board according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

h. Board of Trustees

The Board of Trustees will make its final decision on faculty tenure. Only the University Board of Trustees has the authority to grant tenure.

3. Extension of Tenure Probationary Appointment

A tenure-track faculty member may request an extension of a probationary appointment to accommodate exigencies or unexpected hardships. A written report outlining the basis for the request must be submitted to the dean and if recommended by the dean, to the Executive Vice President for Academic Affairs and Provost for final approval. The request must be submitted prior to the end of the academic year preceding the final year of the faculty member's probationary period. The Executive Vice President for Academic Affairs and Provost will indicate in writing, within 10 business days, whether the probationary period has been extended and specify the length in time of the extension.

4. Tenure Appeals

Appeals of tenure decisions may be made to the FWC only under the following two conditions and prior to the deadline established for the President to act upon the recommendations:

- The faculty member's appeal is a claim that the tenure policy process for his/her tenure application was not followed at a specified level of review.
- The faculty member's appeal is a claim that his/her portfolio for tenure was not evaluated in accordance with the established policies and guidelines.

Appeals are limited to issues arising in the process from the time of the application forward. The FWC must review all appeals and issue a finding within 10 business days of the appeal. Appeals can be made in a memo format to the FWC Chair and copied to the Executive Vice President for Academic Affairs and Provost. The FWC's findings will be referred to the Executive Vice President for Academic Affairs and Provost for determination on the status of the candidate's application. The Executive Vice President for Academic Affairs and Provost will inform the candidate for tenure of the outcome of his/her appeal. In no instance should the FWC substitute its judgment for the judgments made by the parties in the process.

5. Arkansas Tech University shall classify all tenured faculty annually into one of the following categories based on formal evaluation outcomes:

a. Tenured Maintained: Tenure Maintained is the default status for all tenured faculty members who meet expectations in their assigned duties as documented through the annual faculty evaluation process. Faculty in this category retain full rights and responsibilities associated with tenure. No further action is required.

b. Tenure Conditionally Maintained: Tenure Conditionally Maintained applies only to faculty who are currently under a formal remediation plan following an unsatisfactory rating as outlined by criteria above in a post-tenure review. This classification is temporary and is limited to the period of remediation. Faculty in this category remain tenured and retain all rights to due process and appeal. A return to Tenure Maintained status occurs upon demonstration of satisfactory performance.

c. Tenure Revoked: Tenure Revoked applies only when a faculty member's tenure has been formally revoked following established university procedures. This may occur after a failed remediation process or as the outcome of a for-cause review, such as findings of professional misconduct, violation of institutional policy, or failure to fulfill assigned responsibilities. Faculty in this category may be subject to dismissal, consistent with university policy and due process protections.

Classification decisions must be based on documented evaluation results, post-tenure review outcomes, or formal disciplinary proceedings. No tenured faculty member shall be classified as Conditionally Maintained or Revoked unless they have been subject to a post-tenure review or a formal cause-based review that provides full due process, including written notice, opportunity to respond, peer input where applicable, and the right to appeal.

Faculty who are not under remediation or formal review shall remain classified as Tenure Maintained. Tenure status classifications shall not be used to suppress academic freedom or as a substitute for proper evaluation and review procedures.

6. Tenure is granted in recognition of sustained professional achievement and the expectation of continued excellence in teaching, scholarship or creative activity, and service. It provides the faculty member with a right to continued appointment, subject to the conditions outlined in this Faculty Handbook. In accordance with Arkansas ACCESS Act (2025), tenure may be revoked through a formal review process if a faculty member is found to have failed to meet professional responsibilities, demonstrated professional incompetence, violated laws or university policies substantially related to their duties, falsified credentials, been convicted of a crime affecting their

fitness to serve, or engaged in unprofessional conduct that materially impairs their ability to perform their role or causes harm to the institution. Revocation of tenure is a serious action and may occur only through a clearly defined process, with full due process protections and adherence to established university procedures.

Tenure may be revoked under either of the following circumstances:

a. Post-Tenure Review Failure: A faculty member receives an overall unsatisfactory performance evaluation, is subject to post-tenure review, is placed under a formal remediation plan, and subsequently fails to demonstrate "meaningful progress" as defined in the Post Tenure Review Procedures and Outcomes section of this handbook. In such cases, tenure may be revoked leading to termination following a formal "for cause" review, recommendation of the appropriate academic leadership, and review by the EVPAA/Provost, with the opportunity for the faculty member to appeal.

b. For Adequate Cause Review: A separate for-cause review process determines that the faculty member has engaged in conduct or exhibited deficiencies that constitute grounds for dismissal under university policy. This may include professional incompetence, neglect of duty, misconduct, violations or law or policy, or actions that materially impair the faculty member's ability to perform assigned responsibilities. Revocation of tenure in this case may occur with or without a preceding remediation plan.

In all cases, revocation of tenure must follow due process, including written notice of concerns, an opportunity to respond, faculty peer input where applicable, and the right to appeal through the university's grievance process. No faculty member shall have tenure revoked outside of these procedures.

Tenure status shall otherwise be considered Maintained unless formally reclassified as Conditionally Maintained or Revoked in accordance with the processes described above.

Promotion

Recommendations for promotion are based on overall professional attainment and expectation of further professional growth at Arkansas Tech University. All tenured, tenure-track, and instructor-track faculty are eligible for promotion. For promotion, three broad areas, as appropriate to the candidate's appointment, are considered: teaching, scholarship, and service.

If at any step in the promotion procedure the applicant does not receive a favorable recommendation, he/she may submit a written response to the individual responsible for making a recommendation at the next level. No new evidence, not included in the portfolio as submitted, will be considered. The faculty shall submit the statement within ten working days of notification of an unfavorable recommendation. The faculty member may withdraw his/her application at any time.

1. Criteria

Each faculty rank has its own distinctive requirements, but the University has established the following general criteria. All faculty members wishing to be considered for promotion are expected to meet the following criteria for the appropriate rank as well as the time-in-rank guidelines. All

promotions require a positive decision by the Board of Trustees after review by a DPTC, department head, dean, UPTC, Executive Vice President for Academic Affairs and Provost, and President.

Promotion Eligibility Chart

Tenured or Tenure-Track	**Instructor-Track**	**Visiting**
Assistant Professor to Associate Professor	Instructor to Senior Instructor	*Not Eligible for Promotion*
Associate Professor to Full Professor	Senior Instructor to University Instructor	
Full Professor to Distinguished Professor		

a. Minimum Criteria for Promotion - Assistant Professor to Associate Professor, Associate Professor to Professor, Full Professor to Distinguished Professor

The following criteria dealing with degree, length of time in rank, and judgment of performance should be considered as the *minimal* standard to apply; applicants should keep in mind that attainment of the minimal standard does not guarantee promotion.

To Associate Professor

- An earned terminal degree in the discipline or closely related field.
- At least six years of experience as an assistant professor.
- Classroom instruction must be judged by the department head as at least "satisfactory" in four of the last five years of annual evaluations.
- Scholarship and service must be judged by the department head as at least "satisfactory" in a majority of annual evaluations.

To Professor

- An earned terminal degree in the discipline or closely related field.
- At least six years of experience as an associate professor.
- Classroom instruction must be judged by the department head as at least "good" in four of the last six years of annual evaluations, with no ratings below "satisfactory."
- Scholarship and service must be judged by the department head as at least "good" in four of the last six years in which the faculty member was evaluated.

To Distinguished Professor

- A minimum of fifteen (15) years of cumulative service to the university, inclusive of time served in administrative positions, to ensure recognition of both longevity and professional commitment to the institution.
- Terminal degree in the candidate's discipline or related field
- At least six years as a Full Professor
- Classroom instruction rated "excellent" in three of the last six years, with no ratings below "good" in the last six years.

- Scholarship and service rated “excellent” in three of the last six years, with no ratings below “good” in the last six years.
- No formal disciplinary hearing in the last six years
- Additional Criteria for Distinguished Professor
    - Teaching: Innovative courses, high student evaluations, and active mentoring
    - Service: Leadership in committees, mentoring faculty, and impactful community outreach.
    - Scholarship: peer-reviewed publications, grants, and professional leadership roles.
    - Longevity: At least fifteen (15) years as tenure-track/tenured faculty, with six years as a Full Professor.
    - Endorsement: Letters form senior faculty, Department Head, and external professors.

Years of experience in rank means experience at Arkansas Tech University unless, at the time of initial contract, credit is given for previous experience. Whether and to what extent prior experience will be included must be decided at the time of initial appointment in a mutually acceptable written agreement between the faculty member and Arkansas Tech University. All prior years must come from an accredited institution of higher learning or equivalent professional experience to be considered for credit against probationary periods and years required for promotion.

The department head and dean, in consultation with the DPTC and Executive Vice President for Academic Affairs and Provost, will make determinations of what constitutes “closely related fields.”

Even though the performance of a faculty member may be judged insufficient by an evaluator, the application must be allowed to proceed through the system if the faculty member so desires.

All terminal degrees must be received from an accredited institution.

b. Minimum Criteria for Promotion - Instructor to Senior Instructor, Senior Instructor to University Instructor

The following criteria dealing with degree, length of time in rank, and judgment of performance should be considered *minimal*; applicants should keep in mind that attainment of the minimal standard does not guarantee promotion:

To Senior Instructor

- A master's degree in the discipline or closely related field.
- At least six years of experience as an instructor.
- Classroom instruction must be judged by the department head as at least "satisfactory" in four of the last five years of annual evaluations.
- Instructors receiving release time to engage in scholarship and service must be judged by the department head as at least “satisfactory” in majority of annual evaluations in these areas.

To University Instructor

- A master's degree in the discipline or closely related field.
- At least six years of experience as a senior instructor.
- Classroom instruction must be judged by the department head as at least "good" in four of the last six years of annual evaluations, with no ratings below "satisfactory."
- Instructors receiving release time to engage in scholarship and service must be judged by the department head as at least “good" in four of the last six years of annual evaluations in these areas.

Years of experience in rank means experience at Arkansas Tech University unless, at the time of initial contract, credit is given for previous experience. Whether and to what extent prior experience will be included must be decided at the time of initial appointment in a mutually acceptable written agreement between the faculty member and Arkansas Tech University. All prior years must come from an accredited institution of higher learning or equivalent professional experience to be considered for credit against probationary periods and years required for promotion.

The department head and dean, in consultation with the DPTC and Executive Vice President for Academic Affairs and Provost will make determinations of what constitutes “closely related fields.”

Even though the performance of a faculty member may be judged insufficient by an evaluator, the application must be allowed to proceed through the system if the faculty member so desires.

Promotion in rank does not imply a change in the tenure eligibility of faculty contracted for instructor-track.

All degrees must be received from an accredited institution.

2. Procedures

Portfolios for promotion will be reviewed by the DPTC, department head, dean, UPTC, Executive Vice President for Academic Affairs and Provost, and the President before the Board of Trustees final approval decision. At each level, the faculty committee and the administrative reviewer are expected to communicate on matters related to criteria, standards, and all other matters relevant to the review of the faculty member’s promotion application.

Evaluating committees and individuals should keep in mind that academic evaluations, conducted by learned peers within one’s discipline, are an essential component of the promotion and tenure process.

Each academic year the Office of the Executive Vice President for Academic Affairs and Provost will establish a calendar, with appropriate deadlines, for the operation of the promotion no later than September 1. Faculty members may apply for promotion at times and under circumstances consistent with the calendar and with the minimal criteria for promotion as stated above. It is the responsibility of the individual faculty member to assemble all of the materials necessary for consideration. In instances where the faculty member is eligible for promotion and tenure in the same year, she or he may submit a single portfolio for promotion and tenure. Decisions on promotion and tenure, however, are separately determined.

Applications for promotion to any academic rank, including the rank of Distinguished Professor, will follow the same review sequence and procedural standards outlined in this section. Candidates at all levels are responsible for assembling complete portfolios consistent with their rank-specific criteria as described elsewhere in the handbook. Evaluation committees and administrators will apply these established steps uniformly, while considering the appropriate criteria for the rank sought.

a. Portfolio

Tenured and tenure-track faculty will prepare a promotion portfolio of teaching, scholarship and service. Instructor-track faculty seeking promotion to senior or university instructor will prepare a portfolio of teaching as well as any other duties contracted. The portfolio will include the faculty member's previous annual reviews, annual peer reviews, student evaluations, and other documentation as evidence of professional accomplishments under the period of review (see Appendix A on Portfolio creation). Faculty will submit their promotion portfolios to their DPTC according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

Candidates seeking promotion to the rank of Distinguished Professor must include in their portfolios documentation that demonstrates sustained excellence in teaching, scholarship, service, and institutional commitment, as specified in the Distinguished Professor criteria. The portfolio should reflect a minimum of six years of evaluative materials, evidence of exceptional professional achievements, and, where appropriate, letters of endorsement from senior faculty or peers attesting to the candidate's distinction and impact.

b. DPTC

DPTC members will individually vote to recommend or not recommend promotion for tenured, tenure-track and instructor-track probationary faculty. The DPTC will report the number of votes for and against each candidate's application for promotion along with a written explanation providing rationale or context for each recommendation not to grant promotion. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the department head according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost. Voting on promotion to full professor should be limited to those DPTC members with the rank of full professor in the candidate's discipline. Cases in which a minimum of three full professors in a candidate's discipline are not available, voting on promotion to full professor will be limited to the three highest ranking members of the DPTC in the candidate's discipline or a closely related field as determined by the DPTC.

For candidates seeking promotion to the rank of Distinguished Professor, voting eligibility within the Department Promotion and Tenure Committee is limited to members holding the rank of Full Professor or Distinguished Professor. If the department does not have at least three eligible voting members at these ranks, the committee may include one or more Distinguished Professors from closely related disciplines, as determined by the department head in consultation with the dean, to ensure a minimum of three qualified reviewers.

c. Department Head

The department head will make a formal written recommendation to grant promotion or not to grant promotion for each applicant along with a written explanation providing rationale or

context for each recommendation not to grant promotion. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the dean according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

d. Dean

The dean will make a formal written recommendation to grant promotion or not to grant promotion for each applicant along with a written explanation providing rationale or context for each recommendation not to grant promotion. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the UPTC according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

e. UPTC

UPTC members will individually vote to recommend or not recommend promotion for tenured, tenure-track and instructor-track probationary faculty. The UPTC will report the number of votes for and against each candidate's application for promotion along with a written explanation providing rationale or context for each recommendation not to grant promotion. This report will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the Executive Vice President for Academic Affairs and Provost according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

f. Executive Vice President for Academic Affairs and Provost

The Executive Vice President for Academic Affairs and Provost will make a formal written recommendation to grant promotion or not to grant promotion for each applicant along with a written explanation providing rationale or context for each recommendation not to grant promotion. These documents will be included in the portfolio of the faculty member for reference by the other evaluators in the tenure and promotion process, and the portfolio will be submitted to the President according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

g. President

The President will make a formal written recommendation to grant promotion or not to grant promotion for each applicant along with a written explanation providing rationale or context for each recommendation not to grant promotion. Recommendations of the DPTC, department head, dean, UPTC, and Executive Vice President for Academic Affairs and Provost shall be given deliberate and careful consideration on the question of promotion, but shall not be binding upon the President or the Arkansas Tech Board of Trustees. The President's recommendations will be submitted to the board according to calendar deadlines established by the Office of the Executive Vice President for Academic Affairs and Provost.

h. Board of Trustees

The Board of Trustees will make the final decision on faculty promotion. Only the University Board of Trustees has the authority to grant tenure.

Even though an application may receive an unfavorable recommendation at one level of review, the application must be allowed to proceed to the next level, if that is the desire of the individual faculty member.

3. Promotion Appeals

Appeals of promotion decisions may be made to the FWC only under the following two conditions and prior to recommendations being acted upon by the President:

- The faculty member's appeal is a claim that the promotion policy process for his/her promotion application was not followed at a specified level of review.
- The faculty member's appeal is a claim that his/her portfolio for promotion was not evaluated in accordance with the established policies and guidelines.

Appeals are limited to issues arising in the process from the time of the application forward. The FWC must review all appeals and issue a finding within 10 business days of the appeal. Appeals can be made in a memo format to the FWC Chair and copied to the Executive Vice President for Academic Affairs and Provost. The FWC's findings will be referred to the Executive Vice President for Academic Affairs and Provost for determination on the status of the candidate's application. The Executive Vice President for Academic Affairs and Provost will inform the candidate for promotion of the outcome of his/her appeal. In no instance should the FWC substitute its judgment for the judgments made by the parties in the process.

4. Promotion to Distinguished Professor

The rank of Distinguished Professor is the highest academic title awarded by the university, reserved for faculty members who demonstrate exceptional, sustained excellence in teach, scholarship, service, and institutional commitment. This rank recognizes faculty whose achievements have made a significant impact on the university and/or the broader community.

Distinguished Professors are expected to continue advancing the university's mission through exemplary contributions to academic life, including mentoring junior faculty, leading institutional initiatives, and fostering interdisciplinary collaboration. The honor of this rank is conferred by the Board of Trustees upon recommendation from departmental, college, and university-level review committees.

Minimum Criteria:

1. A minimum of fifteen (15) years of cumulative service to the university, inclusive of time served in administrative positions, to ensure recognition of both longevity and professional commitment to the institution.
2. Terminal degrees in the candidate's discipline or related field.
3. At least six years as a Full Professor.
4. Classroom instruction rated "excellent" in three of the last six years, with no ratings below "good" in the last six years.
5. Scholarship and service rated "excellent" in three of the last six years, with no ratings below "good" in the last six years.

6. No formal disciplinary hearing in the last six years.

Additional Criteria:

Candidates must meet Minimum Criteria and demonstrate sustained excellence. Exceptional achievements in one area may offset minor deficiencies in another. Specifically, candidates with fewer "excellent" ratings in scholarship may still qualify if they exceed the required number of "excellent" or "good" ratings in service. For example, a candidate who has three years of "excellent" ratings in scholarship but achieves six years of "excellent" ratings in service demonstrates a balanced record of overall excellence that supports their application.

Evidence of excellence in the required areas may include but is not limited to:

1. Teaching: Innovative courses, high student evaluations, and active mentoring.
2. Service: Leadership in committees, mentoring faculty, and impactful community outreach.
3. Scholarship: Peer-reviewed publications, grants, and professional leadership roles.
4. Longevity: At least 15 years as tenure-track/tenured faculty, with six years as a Full Professor.
5. Endorsements: Letters from senior faculty, Department Heads, and external professors.

Implementation Timeline:

Year 1: Open to faculty with 8+ years as Full Professor.
Year 2: Open to faculty with 6+ years as Full Professor.
Year 3: Open to all eligible faculty.

Evaluation and Voting Procedure:

1. Candidate Eligibility Verification:
    - The Department Promotion and Tenure Committee (DPTC) verifies whether candidates meet all minimum criteria outlines in this policy.
2. Portfolio Submission:
    - Eligible candidates submit a comprehensive portfolio, including evidence of excellence in teaching, scholarship, and service, along with evaluations and endorsements.
3. DPTC Review:
    - Voting members of the DPTC for this process must hold the rank of Full Professor or higher. The DPTC must hold at least three professors with the rank of Full Professor or higher. If the DPTC does not have minimum of three professors with the rank of Full Professor or higher, then Full Professors or Distinguished Professors from closely related disciplines outside of the applicant's department may be included.
    - The DPTC establishes evaluation criteria specific to the department, ensuring alignment with broader institutional standards. Any differences in work allocations by contract, such as varying emphases on teaching, research, or service, must be considered when determining additional criteria eligibility.

- The DPTC reviews the submitted portfolio and evaluates the candidate's qualifications based on established criteria.
- The committee holds a formal vote to recommend or not recommend the candidate for promotion. Voting is conducted within the committee, and the results documented.
- A written report, including the voting results and a detailed rationale for the recommendation, is forwarded to the Department Head.

4. Department Head Review:
    - The Department Head independently reviews the candidate's portfolio and the DPTC recommendation.
    - A written recommendation, with justification for the decision, is included in the portfolio and submitted to the Dean.
5. Dean Review:
    - The Dean reviews the candidate's portfolio, including recommendations from the DPTC and Department Head.
    - A formal recommendation, with a detailed explanation, is added to the portfolio and submitted to the University Promotion and Tenure Committee (UPTC).
6. UPTC Review:
    - The UPTC reviews the portfolio and evaluates the recommendations from the DPTC, Department Head, and Dean.
    - The committee holds a formal vote to recommend or not recommend the candidate for promotion. Voting results are recorded, and a written report with the rationale for the decision and is forwarded to the Provost.
7. Provost Review:
    - The Provost conducts a final review of the portfolio and all prior recommendations.
    - A recommendation, with justification, is submitted to the President.
8. President Review:
    - The President reviews the portfolio and recommendations from all prior levels.
    - The President provides a recommendation to the Board of Trustees.
9. Board of Trustees Decision:
    - The Board of Trustees makes the final decision to grant or deny the promotion to Distinguished Professor rank.
    - Candidates are notified of the outcome in writing.

Appeals for procedural violations or unmet criteria follow Faculty Handbook guidelines and must be submitted within ten business days of an unfavorable recommendation.

Special Considerations:
Deans, usually ineligible for promotion while serving, may qualify for Distinguished Professor after stepping down from administration, based on six years of prior faculty evaluations demonstrating excellence in teaching, scholarship, and service.

5. Emeritus Status

Emeritus status may be awarded to any retired member of the campus community who has held academic rank. Emeritus status is never automatic and reserved only for those who have given extraordinary and outstanding service to Arkansas Tech University over an extended period of years.

Eligibility is limited to those who have retired, and who have at least 15 years of consecutive service to Arkansas Tech University. Recommendations for emeritus status must be in writing, and may be made by any current member of the Arkansas Tech University community who holds faculty rank. Recommendations and all supporting documents will be reviewed by the University Promotion and Tenure Committee, the Executive Vice President for Academic Affairs and Provost, and the President in that order. Emeritus status may be awarded posthumously to individuals who pass away while holding an academic rank and meet all other relevant criteria.

The sole consideration in the evaluation of these recommendations shall be the rendering of truly exceptional service to the university.

Recommendations and all supporting materials must be delivered, preferably via academicaffairs@atu.edu, to the Office of the Executive Vice President for Academic Affairs and Provost in accordance with the Promotion and Tenure timeline, which is posted each August by the Office of Academic Affairs. The review process will culminate with the candidate being considered by the UPTC, Executive Vice President for Academic Affairs and Provost, President, and Board of Trustees in the spring semester of that academic year.

Authority to grant emeritus status rests with the Board of Trustees of Arkansas Tech University upon the recommendation of the President.

Tenure and Promotion of Administrators with Academic Rank

The administrative functions, titles, and status of the president, vice presidents, deans, registrar, plant engineer, librarian, directors, department heads, and others with administrative responsibilities for academic or non-academic services shall be distinct and severable from their functions, titles, and status, if any, as academic staff members.

Administrators holding academic rank (teaching, scholarship and service less than 50%) will not be eligible to apply for promotion or tenure while serving as administrators[4]. This applies to those holding a permanent administrative position and not those serving in an interim administrative role.

Deans, usually ineligible for promotion while serving, may qualify for Distinguished Professor after stepping down from administration, based on six years of prior faculty evaluations demonstrating excellence in teaching, scholarship, and service.

[4] *Department Heads are considered faculty members not administrators and are eligible to apply for promotion and tenure.*

ACADEMIC TERMINATION POLICIES AND PROCEDURES

1. Termination of Appointment by the Faculty Member

   A faculty member may terminate the appointment effective at the end of an academic year, provided that written notice is given at the earliest possible opportunity, but not later than thirty days after receiving notification of the terms of reappointment for the coming year. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where substantial professional advancement or other opportunity would be denied.

2. Termination of Appointment by the Institution

   a. Termination of an appointment with tenure, or of a special or probationary appointment before the end of the specified term, may be affected by the institution only for adequate cause. "Adequate cause" refers to conduct or performance that demonstrates an unwillingness or inability to meet professional responsibilities or fulfill assigned duties. Termination for cause must be based on documented evidence and may occur only after appropriate review and due process.

   Examples of adequate cause include, but are not limited to:

   a) Persistent unsatisfactory performance following post-tenure review and remediation;
   b) Repeated failure or refusal to perform assigned responsibilities;
   c) Professional dishonesty, including plagiarism or falsification of credentials;
   d) Ethical misconduct related to teaching, research, service, or administration;
   e) Discrimination, harassment, or retaliation in violation of university policy or law;
   f) Misuse of university resources, authority, or breach of institutional trust;
   g) Criminal conviction that impairs the faculty member's ability to perform their role;
   h) Abandonment of duties without reasonable justification;
   i) Violation of institutional policies, federal or state laws, or accreditation standards that directly relate to faculty responsibilities.

   Termination for cause may result from either the outcome of post-tenure review with failed remediation or from an independent for-cause review initiated by serious misconduct. In all cases, faculty shall receive written notice of the grounds for termination, a reasonable opportunity to respond, and access to formal hearing. The burden of proof shall rest with the institution, and in cases involving tenured faculty, the standard shall be clear and convincing evidence. Final dismissal decisions must follow the procedures outlined in this Handbook and applicable to university policies. *Approved by ATU Board October 16, 2025

   b. If such termination takes the form of a dismissal, it will be pursuant to the procedure specified in Item 3.

   c. Where termination of an appointment with tenure, or of a nontenured appointment before the end of the specified term, is based upon bona fide financial exigency or

discontinuance of a program or department of instruction, Item 3 will not apply; but faculty members shall be able to have the issues reviewed by the Faculty Welfare Committee, with ultimate review of all controverted issues by the governing board of the institution. In every case of financial exigency or discontinuance of a program or department of instruction, the faculty member concerned will be given notice or severance salary not less than that prescribed in Item 6. Before terminating an appointment because of the abandonment of a program or department of instruction, the institution will make every effort to place affected faculty members in other suitable positions within the University. If an appointment is terminated before the end of the period of appointment, because of financial exigency, or because of the discontinuance of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of two years in the case of financial exigency, or four years for the discontinuance of a program, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

d. Termination of a tenured appointment, or of a nontenured or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence. The decision to terminate will be reached only after there has been appropriate consultation and the faculty member or his/her representative has been advised of the basis of the proposed action, and has been afforded an opportunity to present his/her position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Welfare Committee before a final decision is made by the governing board on the recommendation of the President of the institution.

3. Dismissal Procedures

a. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in the professional capacity of a teacher or researcher. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

b. Dismissal of a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by these steps in order:

i. Discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement.

ii. Informal inquiry by the duly elected Faculty Welfare Committee which may, failing to affect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President.

iii. A statement of charges, framed by the President or the President's delegate.

c. A dismissal, as defined in Item 3-a, will be preceded by a statement of reasons, and the individual concerned will have the right to be heard by the elected Faculty Welfare Committee. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Each party will have a maximum of two challenges without stated cause.

i. Pending a final decision by the Faculty Welfare Committee, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself/herself or to others is threatened by the faculty member's continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the institution's hearing procedures, the administration will consult with the Faculty Welfare Committee concerning the propriety, the length, and the other conditions of the suspension. Salary will continue during the period of the suspension.

ii. With the consent of the parties concerned, the Faculty Welfare Committee may hold joint pre-hearing meetings with the parties in order to perform the following:
   (a) Simplify the issues;

   (b) Effect stipulations of facts;

   (c) Provide for the exchange of documentary or other information;

   (d) Achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

iii. Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the Faculty Welfare Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

iv. The Faculty Welfare Committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

v. During the proceedings the faculty member will be permitted to have an academic advisor and other counsel of his/her own choice.

vi. At the request of either party or the Faculty Welfare Committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

vii. At the faculty member's request, a verbatim record of the hearing or hearings will be taken and a copy will be made available to the faculty member without cost.

viii. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

ix. The Faculty Welfare Committee will grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

x. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the

Faculty Welfare Committee in securing witnesses and making available documentary and other evidence.

xi. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and if possible provide for interrogatories.

xii. In the hearings of charges of incompetence, the testimony shall include that of faculty members from this and other institutions of higher education.

xiii. The Faculty Welfare Committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

xiv. The findings of fact and the decision will be based solely on the hearing record.

xv. Except for such simple announcements as may be required covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the governing board of the institution. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

xvi. If the Faculty Welfare Committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President rejects the report, he/she will state the reasons for doing so, in writing, to the Faculty Welfare Committee and to the faculty member, and provide an opportunity for response before transmitting the case to the governing board. If the Faculty Welfare Committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

4. Retrenchment Policy

Retrenchment of Faculty Positions Due to Financial Exigency or Program Discontinuance

a. **Preamble** – Arkansas Tech University (ATU) recognizes circumstances that may arise that necessitate reducing or discontinuing academic programs, thus affecting faculty positions. These circumstances can be due to financial exigency or program discontinuance. Arkansas Tech University is dedicated to retaining all faculty with a verifiable history of fulfilling all obligations as stipulated in their employment agreements, annual faculty evaluations, and the ATU Faculty Handbook. Accordingly, ATU eliminates programs and their corresponding faculty only in rare circumstances, as needed for efficiencies and the successful operation of the institution. The following policy applied to faculty affected when a program of

study offered by ATU is eliminated and it NOT applicable in cases of individual faculty dismissal "for cause" (see Section II on Termination of Appointment by the Institution, above).

b. **Guiding Principles –** ATU is committed to a transparent and objective process that prioritizes the university's academic integrity while respecting its faculty members' tenure and contributions (see Section II A on Tenure and Academic Appointments). Likewise, Arkansas Tech University recognizes the faculty, under the principles of shared governance (see Section II A on Shared Governance), maintain predominant authority over the curriculum and must plan an integral advisory role in any process or decision regarding program retrenchment or loss of faculty positions. Thus, faculty retrenchment procedures are guided by the following principles:

i. **Transparency**: All decisions concerning program retrenchment or faculty reductions will be executed with full disclosure of all materials used in evaluation or decision-making, along with a detailed rationale and elaboration on underlying factors contributing to such determinations.

ii. **Equity/Objectivity**: The University is committed to ensuring all decisions are made without bias, upholding the highest justice and institutional integrity standards. Retrenchment for financial exigency or program discontinuance may not be used to discriminate based on race, gender, age, religion, or other protected classes. Further, retrenchment for financial exigency or program discontinuance may not be used to suppress, coerce, or punish faculty to limit academic freedom or First Amendment rights or be used as a general threat against an individual faculty member or department/program because of open and valid disagreements with policy or procedures of the university.

iii. **Rights of the Affected Faculty**: Faculty members impacted by these decisions will be granted a structures mechanism to present objections, seek clarifications, and, where permissible, appeal the decision. More specifically, impacted faculty members will have the following enumerated rights under conditions of retrenchment:

- *Right to Transparency* – Affected faculty have a right to a clear explanation in writing of the reasons for the decisions to eliminate their positions and when the position elimination date is effective.
- *Right to Reassignment* – ATU should exhaust all alternatives for affected faculty, e.g., offering alternative positions or assignments at ATU relevant to their qualifications and credentials, offering early retirement or retirement incentives if feasible, etc.
- *Right to Reasonable Notice* – Faculty members subject to position elimination will be provided with reasonable notice as specified in the Faculty Handbook. Affected faculty will have ten (10) business days to seek clarification, object, and appeal.
- *Right to Career and Retirement Counseling Services* – ATU should provide support services, such as career counseling, job

search assistance, and recommendation letters for the affected faculty.

- *Right of First Refusal and Reappointment* – Based on tenure and tank, affected faculty members have a right for three (3) years from termination to first refusal of the same position if it is reinstated. If the University re-establishes a program of student identical or comparable to a program cut within the previous four (4) years due to retrenchment, then based on tenure and rank, affected faculty from the cut program must be given first refusal for hire in the newly created program. They should be reinstated at their rank and tenure status before termination.

Terms and Definitions

a. **Retrenchment** is a reduction of academic programs, services, faculty positions, or other educational resources with an academic institution because of either a *bona fide* financial exigency or program discontinuance.

b. **Bona Fide Financial Exigency** is a significant financial crisis that imperils the institution's future viability and necessitate immediate, substantial, and potentially transformative changes. Asa consequence, retrenchment and restructuring may become necessary. It is a university-wide issue requiring input from faculty, staff, administrators, and students in ATU board decisions in a short period. While bona fide financial exigency likely will result in some program discontinuation, preserving faculty positions should be a central concern as long as it is consistent with the economic viability of ATU.

c. **Program Discontinuance** occurs when the ATU board has approved the elimination of a degree or major. Program discontinuance may include changes to the institutional mission, substantial academic program changes and reallocation of resources, significant alterations to the academic core of the institution, including eliminating entire programs and departments, the partial or complete reduction of faculty in board eliminated programs and departments, or a substantial reduction in financial resources requiring a restructuring of the whole institution as a response to significant shifts in enrollment, funding streams, and institutional priorities.

    - Program discontinuance may directly affect multiple programs and the curriculum more broadly under conditions that do not raise to the level of a university-wide *bona fide* financial exigency crisis.
    - Program termination does not automatically result in termination of faculty members. ATU offers a variety of degree programs, and many faculty members are vital to multiple degree programs, so program discontinuance does not necessitate faculty retrenchment.

- The period for input from affected programs, faculty, administrators, and students will generally follow the standard academic calendar.

d. **Relevant Faculty Governance Committees -** In retrenchment for *bona fide* financial exigency and program discontinuance, relevant faculty governance committees refer to specialized bodies within university governance tasked with maintaining academic standards through oversight of curriculum, academic programs, and academic policies.

Declaration of Financial Exigency or Program Discontinuance

The process for declaration of *bona fide* financial exigency or program discontinuance at Arkansas Tech University is as follows:

a. The President, after consultation with the Executive Vice President for Academic Affairs/Provost (EVPAA/P) and the Vice President for Administration and Finance (VPAF), preliminarily determines if a state of *bona fide* financial exigency or program discontinuance needs to be declared. Placement on the ADHE non-viability list may suggest program discontinuance. If the university does not appeal the non-viability designation, it still requires the university to discontinue the program consistent with ADHE guidelines. Once financial exigency or program discontinuance is declared, the retrenchment process described below is to be followed.

b. Faculty Senate, in consultation with other relevant governance committees, shall review and recommend or not recommend, by majority vote, to support a statement of *bona fide* financial exigency or program discontinuance. The Faculty Senate acts in an advisory capacity only.

c. Upon review of the recommendation by the Faculty Senate, the President officially submits the intent to declare a state of *bona fide* financial exigency or program discontinuance to the Arkansas Tech Board of Trustees.

d. The Arkansas Tech Board of Trustees shall review the intent to declare a state of *bona fide* financial exigency or program discontinuance. The ATU Board of Trustees will then vote to either affirm or not affirm a *bona fide* state of financial exigency and program discontinuance and decide what retrenchment of programs and faculty positions is needed.

e. Upon the ATU Board of Trustees' approval of a declaration of a state of bona fide financial exigency or program discontinuance, the President, in consultation with the EVPAA/P and VPAF, will establish a Retrenchment Review Committee to develop a plan for retrenchment and oversee the process outlined below.

Plan for Retrenchment as a Result of Financial Exigency or Program Discontinuance

a. All recommendations for retrenchment originate in the office of the dean of the affected college(s). The affected program(s) or department(s) receives the retrenchment plan with all related and relevant documents and evidence. The department head shall form a representative committee of faculty from each affected program/department to review the retrenchment plan and forward a recommendation, including supporting data, to the EVPAA/P and relevant governance committees within ten working days, whether they concur with the retrenchment plan.

b. Relevant governance committees shall review the plan of retrenchment and develop their recommendation to the EVPAA/P and Faculty Senate within ten working days.

c. The retrenchment plan, departmental recommendation, and governance committee recommendation(s) are forwarded to the Faculty Senate for review. The Faculty Senate shall review all supporting documentation and forward a recommendation within ten working days to the EVPAA/P explaining whether they concur.

d. The EVPAA/P shall review the recommendations made by the department and ALL representative governance committees and forward them, along with the EVPAA's final recommendation, to the President, who will report the department, governance committees, and the EVPAA's final recommendation, along with the President's recommendation, to the Board of Trustees.

e. The Board of Trustees shall either approve, ask for revisions, or revise themselves, or not approve the proposed retrenchment plan. If approved or revised and approved, the EVPAA/P is charged with initiating the retrenchment plan.

f. The only difference between the development of the retrenchment plans and the *bona fide* financial exigency and program discontinuance is the timeline. The difference in the timeframe is as follows:

    i. In financial exigency, each level will need to respond to the retrenchment policy with their recommendation within ten days, as the entire process must likely occur within a few months.

    ii. Given that program discontinuation is not a university-wide crisis, the timeframe is as follows:
        - The program or department probationary timeframe begins and notification occurs with the ATU Board decision to discontinue a

program or to not appeal the ADHE non-viability designation in the Fall.

- If the necessary increase in program graduates or enrollment does not occur during the ADHE probationary period, the development and implementation of the retrenchment plan proceeds as outlined above. The earliest layoffs can occur once placed on probation for discontinuance would not be until graduation numbers are known for two Fall and two Spring commencements. This guarantees faculty can complete their current contract (year 1) and receive one more terminal year contract (year 2).
- The program retrenchment takes full effect once the "teach out" plan for student majors has been honored. The retrenchment plan will specify when the "teach out" plan begins and will not exceed two years.

Considerations for Decisions Regarding Retrenchment of All Affected Faculty Positions

Retrenchment of faculty, either partial or in total, should follow the criteria below:

a. Respect for tenure is paramount, and rank will weigh heavily in the decision-making process.

b. The Dean of the affected college will weigh department and program needs and the ability to teach in multiple disciplines.

c. Beyond tenure, rank, department, and program needs, the following factors—in no particular order—deserve consideration:
    - Academic Credentials (e.g., a doctorate would factor more heavily than a master's)
    - Requirements of Accrediting Bodies
    - Annual Evaluations, Teaching Evaluations, and Department Head Reviews
    - Contributions to Teaching, Scholarship, and Service

Implementation of Retrenchment of Faculty

a. Once the affected program(s) and faculty to be retrenched have been identified, the dean will meet with the EVPAA. A representative from the Human Resources department will be present to monitor the process.

b. The EVPAA will inform the President of the recommendation for the faculty to be eliminated.

c. Notification of decision—The EVPAA will notify the affected faculty in writing of the decision. Affected faculty may appeal this decision within 30

days of the written notification.

d. The President will add the recommendation for retrenchment with the identified faculty positions and members as an agenda item for the Board of Trustees meeting. The Board of Trustees will make the final decision regarding the retrenchment of faculty positions and members.

e. Before a faculty appointment is terminated due to financial exigency or program discontinuation, the university pledges to:
   - Exhaust all possible alternative positions and appointments within the university for the impacted faculty.
   - If possible, offer early retirement packages to faculty in affected programs who are at or near retirement age.
   - Offer adjunct work opportunities at the university that fall within their expertise. The university is obligated to extend an adjunct teaching offer to the displaced faculty member, granting them a reasonable span of time, not less than 30 calendar days, to accept or decline.
   - Provide written notice to be provided to the affected faculty member by the timeline outlined in the Faculty Handbook.

Appeal Considerations

a. Individual faculty members have the right to appeal financial exigency and retrenchment outcomes. Justification to appeal includes the following:
   i. A faculty member may appeal the outcome due to the procedure not being carried out correctly.
   ii. A faculty member may appeal if mistreated due to race, gender, age, religion, and other protected classes. Furthermore, a faculty member may appeal if demonstrable unfair treatment occurred because the faculty publicly and professionally disagreed with academic policy.
   iii. Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is a clear error and to the responsive actions(s) only if there is a compelling justification.

b. The appeal decision
   i. An appeal is not an opportunity for the *ad hoc group* to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and sanction(s).
   ii. If needed, the ad hoc group may consult with the appropriate university representatives on questions of procedure or rationale for clarification. Documentation of all such consultations will be maintained.

Faculty Appeals Process

a. A request for appeal will be made in writing to the Chair of the Faculty Welfare Committee no more than 30 days following the Board of Trustees meeting in which the retrenchment process or program termination was approved. This appeal should provide a narrative of the process and identify all concerns about the procedure or unfair treatment, along with evidence.

b. Upon receiving and reviewing the letter, the Faculty Welfare Committee will form an *ad hoc* group, including an appointed relevant Human Resources staff member. The group has ten days to review the document, examine all evidence, and interview all related parties.

c. This ad hoc group then meets with the remainder of the Faculty Welfare Committee in a special meeting, where a recommendation is drafted. The recommendation is sent to the appellant, the EVPAA, the President, and Human Resources. Final recommendations are ultimately presented to the Board of Trustees at the nearest meeting date.

Interpretation of the Faculty Retrenchment Policy

a. If controversy arises over interpretation of the faculty retrenchment policy and procedures, then:
    i. The president's office and the Faculty Welfare Committee will each independently develop their interpretation of the controversial clause or procedure.
    ii. Next, the president and the Faculty Welfare Committee will then share their interpretations with each other and meet. If consensus is possible between the parties, that interpretation is sent to the faculty senate. If no consensus is possible between the parties, both interpretations are sent to the faculty senate.
    iii. Whether or not consensus has been reached, the interpretation(s) sent to the faculty senate are read into the next meeting minutes and communicated to the campus.

5. Action by the Governing Board

If dismissal or other severe sanction is recommended, the President will on request of the faculty member, transmit to the governing board of the institution the record of the case. The governing board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representative. The decision of the Faculty Welfare Committee will either be sustained, or the proceeding returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new

evidence if necessary. The governing board will make a final decision only after study of the committee's reconsideration.

6. Procedures for Imposition of Sanctions other than Dismissal

   a. If the administration believes that the conduct of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, the administration may institute a proceeding to impose such a severe sanction; the procedures outlined in Item 3 shall govern such a proceeding.

   b. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a reprimand, it shall notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a major sanction has been incorrectly imposed under this paragraph, or that a minor sanction has been unjustly imposed, may, pursuant to Item 9, petition the Faculty Welfare Committee for such action as may be appropriate.

7. Terminal Salary or Notice

   If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year of probationary service; at least one year, following the expiration of the current contract, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the Faculty Welfare Committee or the President, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

8. Reappointment of Nontenured Faculty

   If a faculty member on probationary or other non-tenured appointment alleges that a decision for non-reappointment was based significantly on considerations violative of academic freedom or governing policies on making appointments without prejudice with respect to race, sex, religion, or national origin, the allegation will be given preliminary consideration by the Faculty Welfare Committee, which will seek to settle the matter by informal methods. The allegation shall be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the Faculty Welfare Committee, of such reasons and evidence as the institution may allege in support of its decision. If the difficulty is unresolved at this stage, and if the committee so recommends, the matter will be heard in the manner set forth in Items 3 and 4, except that the faculty member making the complaint is responsible for stating the grounds upon which the allegations are based, and the burden of proof shall rest with the faculty member. If the faculty member succeeds in establishing a prima facie case, it is incumbent upon those who made the decision for non-reappointment to come forward with evidence in support of their decision.

9. Political Activities of Faculty Members

   Faculty members, as citizens, are free to engage in political activities. Where necessary, leaves of absence may be given for the duration of an election campaign or a term of office, on timely application, and for a reasonable period of time. The terms of such leave of absence shall be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that time spent on such leave will not count as probationary service unless otherwise agreed to.

10. Grievance Procedures

    Any faculty member who feels that there is cause for grievance in any matter not covered by the procedures described in this document may petition the elected Faculty Welfare Committee for a hearing. The petition shall set forth in detail the nature of the grievance and shall state against whom the grievance is directed. It shall contain any factual or other data which the petitioner deems pertinent to the case. The committee will have the right to decide whether or not the facts merit a detailed investigation. If it is deemed appropriate, the Faculty Welfare Committee will appoint from its body an ad hoc grievance committee to investigate and recommend. Submission of a petition will not automatically end in investigation or detailed consideration thereof. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the Faculty Welfare Committee such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the petitioner and to the appropriate administrative officer or officers and appropriate faculty, and the petitioner will, upon request, be provided an opportunity to present the case to them.

11. Interpretation

    The Faculty Welfare Committee shall decide any controversies arising from disputed interpretation of this document.

LIBRARIAN PROMOTION POLICIES AND PROCEDURES

Librarian Ranks, Promotion Policies, and Procedures

There are three defined ranks for librarians at Arkansas Tech University. All librarian ranks are assumed to have at least a master's degree accredited by the American Library Association (the profession's recognized terminal degree) or expected completion within three years if an exception is granted and stipulated by the institution in the employee's contract. Characteristics of the individual ranks are as follows:

- Assistant Librarian – an entry level position at the institution, usually with little or no professional experience.
- Associate Librarian – an experienced academic librarian; evidence of competency in a specialty area of professional librarianship (e.g. reference, acquisitions, cataloging, instruction, etc.); a record of participation in departmental or institutional governance; active membership in professional library organizations and associations.
- Librarian – an academic librarian with substantial experience; evidence of mastery of a specialty area of professional librarianship; significant participation and leadership in departmental or institutional governance; a record of contributions to librarianship through participation in professional organizations and associations.

Criteria for the Appointment or Promotion of Professional Librarians

There are four criteria used in evaluating librarians applying for initial appointment to a University position or for promotion to a higher rank. These are in the areas of education, experience, performance, and service. These criteria should be considered minimums for eligibility and meeting them will not guarantee promotion. General definitions for these criteria are as follows:

- Education – includes both necessary and relevant preparation such as degrees, certifications, training, workshops, etc.; documentation is required in order to be considered.
- Experience – includes all relevant work experience, both professional and non-professional; weighting of the various levels and types of experience will be the responsibility of the search or promotion committee; librarians must serve six years in a rank before being eligible for promotion (an exception may be granted by the Director of Library with approval of the Executive Vice President for Academic Affairs and Provost).
- Performance – includes qualitative evaluations of the performance of primary duties by the librarian's supervisor(s); performance is the most important criteria for promotion decisions.
- Service – may include contributions or service to the library, the institution, the community, or the profession.

Guidelines for Applying the Criteria to the Ranks of Professional Librarians

Assistant Librarian

- Employment is by appointment following a national search.
- Each criterion is defined, weighted, and applied according to the needs of a particular search and at the discretion of the search committee.

Associate Librarian

- Maintains the level of relevant skills and knowledge necessary to the position's functional

responsibilities; demonstrates professional growth and shares knowledge gained;
- Six years of relevant academic library experience;
- Performs all duties with competence and a measure of independence;

- Is aware of and active in current issues and trends in librarianship; contributes to the profession or to the academic community (e.g. presentations or programs, participation or leadership in organizational or institutional governance).

Librarian
- Maintains a high level of relevant skills and knowledge necessary to the position's functional responsibilities; demonstrates continuous professional growth over a significant period as a professional and shares knowledge gained;
- Twelve years of relevant experience in an academic library;
- Performs all duties with a high level of competence and independence;
- Demonstrates awareness of and activities in current issues and trends in librarianship throughout a professional career; contributes significantly to the profession or to the academic community (e.g. presentations or programs, participation or leadership in organizational or institutional governance).

Procedures for Promotion
The steps are as follows:

1. Each academic year the Office of the Executive Vice President for Academic Affairs and Provost will establish a calendar, with appropriate deadlines, for the operation of the promotion process. To the extent that it is feasible, the Promotion Process for Librarians will parallel this calendar.
2. Librarians may apply for promotion at times and under circumstances consistent with the calendar and with the criteria for promotion as stated above. It is the responsibility of the individual librarian to assemble all of the materials necessary for consideration under these criteria. Guidance for assembling materials may be found in "Appendix A. Portfolio Preparation."
3. The application for promotion is delivered to the Director of Library. From that point forward the Director of Library, Librarian Promotion Committee, Executive Vice President for Academic Affairs and Provost, and President will be responsible for timely forwarding to the next level of review and consideration.
4. The Director of Library, Librarian Promotion Committee, Executive Vice President for Academic Affairs and Provost, and President will review all applications for promotion and in that order. Each will make a formal written recommendation to grant promotion or not to grant promotion.
5. Even though an application may receive an unfavorable recommendation at one level of review, the application must be allowed to proceed to the next level, if that is the desire of the individual librarian.
6. The President of the University will forward his/her recommendation for promotion to the Board of Trustees of the University.

Librarian Promotion Committee
Membership

- The Librarian Promotion Committee (LPC) shall include all librarians, excluding the Director, who are not being considered for promotion; the membership of the LPC shall be at least three.
- In the event that there are fewer than three librarians who are not being considered for promotion,

the balance of the LPC shall be filled first by the librarian at the ATU-Ozark campus and then (if necessary) by appointment from the University's Library, Instructional Materials & Equipment Committee by the Executive Vice President for Academic Affairs and Provost in consultation with the Director of Library.

- The chair of the LPC shall be the highest-ranking librarian member, with institutional seniority being the determining factor between librarians of equal rank.

- The LPC shall recommend (to the Executive Vice President for Academic Affairs and Provost) approval or disapproval of all applications submitted.
- The LPC may meet with the Executive Vice President for Academic Affairs and Provost (at his/her request) to discuss the Committee's recommendations and justifications.
- The LPC shall submit a written statement to each applicant indicating the disposition of the application.
- If at any step in the promotion procedure the applicant does not receive a favorable recommendation, he/she may submit an appeal statement to the individual responsible for making a recommendation at the next level. The applicant shall submit the statement within ten working days of notification of an unfavorable recommendation. The applicant may withdraw his/her application at any time.

Granting of Promotion

The final decision on librarian promotion shall rest with the Board of Trustees.

MERIT PAY

In the event that merit salary funding is established in a given fiscal year, the following guidelines will apply.

Definition:

Merit pay is defined as a salary increase to base pay for meritorious performance of professional duties and activities within a given year of service. By definition, merit pay is intended to exclude the concept of one-time bonuses. It is not intended that everyone evaluated for merit will receive a merit salary increase.

Eligibility

1. The full-time tenure track faculty of Arkansas Tech University shall be eligible for merit pay consideration.

2. Merit pools will be allocated to each College within the University. Deans will work with Department Heads in allocating the funds to the various departments.

3. Eligibility for consideration for merit pay will be based on the annual performance review of the faculty, already established in the Arkansas Tech University *Faculty Handbook*. Department Heads will reduce the areas of teaching, research, and service to one evaluation number for merit pay consideration. No faculty member will be considered for merit pay with a lower overall number than 4, and lower than a 4 in the area of teaching.

Salary Distribution:

Salary increments for merit are recommended by the Department Head, forwarded to the Dean of the College for review and further recommendation, and then forwarded to the Executive Vice President for Academic Affairs and Provost.

GUIDELINES FOR EVALUATION OF ACADEMIC ADMINISTRATORS BY FACULTY

Academic Deans shall be reviewed at least every two years. Department heads and other associated staff will be reviewed every year. Exceptions may be made in the event that there is a change in dean or department head. The Office of Academic Affairs will be responsible for implementing, monitoring, and enforcing the policy and its procedures.

The goals of the review are to provide feedback to academic administrators and serve as a basis for a dialogue between academic administrators, to provide information and status of ongoing programs and initiatives, and to assist in planning for future initiatives. The review will cover the following areas: (1) Leadership; (2) Administration; (3) Faculty and Program Development; and (4) Communication.

The evaluation process is outlined as follows:

A. Procedure:

The Office of Academic Affairs sends out the survey form to each full-time faculty member utilizing an online format. The software collects the responses and tabulates the results. The results are forwarded to the dean and a copy will be maintained by the Office of Academic Affairs.

B. Evaluators:

<u>Deans</u>

Faculty, tenured and non-tenured, and department heads will be asked to participate in the survey. The dean will also be asked to provide a self-evaluation.

The Executive Vice President for Academic Affairs and Provost will use the results of the review process and a separate set of criteria to evaluate the dean. The Academic Vice President will evaluate the deans on a yearly basis.

<u>Department Heads and Associated Staff</u>

Faculty, tenured and non-tenured, will be asked to participate in the survey. The department head will also be asked to provide a self-evaluation.

The Dean will use the results of the review process and a separate set of criteria (including teaching) to evaluate the department head.

C. Deadlines

Forms are sent out to all eligible faculty by email in early October. The deadline for completion of the survey instrument is approximately two weeks. Responses are tabulated and results sent to the academic administrator and the Executive Vice President for Academic Affairs and Provost by mid-November. The Executive Vice President for Academic Affairs and Provost evaluates academic deans by April 15.

HONORARY DEGREE POLICY

Honorary degrees are only awarded to persons of acknowledged eminence in the arts, letters or sciences, in the professions, or in public service whose contributions are so significant that benefits are recognized and acknowledged on a state, national, or international level.

As a general policy, honorary degrees shall not be awarded to active members of the University faculty or staff, or to retired faculty members for career distinction achieved solely at Arkansas Tech University.

Arkansas Tech University will grant no more than one honorary degree to an individual. Names of previous honorary degree recipients, along with any other consideration, are on file in the Office of Academic Affairs.

The authority to award honorary degrees rests with the Board of Trustees.

General Guidelines:

1. Faculty members and academic administrators holding regular faculty rank may submit names of persons considered worthy for an honorary degree from Arkansas Tech University to a committee made up of the Promotion and Tenure Committee, three representatives from the Dean's Council, and the Executive Vice President for Academic Affairs and Provost.

2. Those wishing to nominate a candidate should submit the following:
   a. Letter of nomination citing the field in which the nominee has achieved eminence and describing the significance of the nominee's contribution to the field and, if appropriate, to Arkansas Tech University.
   b. In cases where the candidate is not as well known outside his or her discipline as within it, at least three letters by eminent persons in the same field endorsing the candidate's nomination.
   c. Any other information illustrating the candidate's eminence and contribution to Arkansas Tech University.

3. After preparing its recommendations the Committee shall present them to the President by February 1 for spring commencement. The President will forward the names of the nominees to the Board of Trustees for final approval.

4. After final action by the Board of Trustees, the President informs the nominees.

Prior to public announcement by the President and the Board of Trustees, all matters relating to honorary degrees are treated as confidential.

Any honorary degree shall not be awarded in absentia unless specifically recommended by the Committee and approved by the Executive Vice President for Academic Affairs and Provost, the President, and the Board of Trustees.

PRIVATE GIFTS FOR ARKANSAS TECH UNIVERSITY

Securing private gifts for Arkansas Tech University is a team effort. Faculty, staff, and administrative personnel are considered impactful members of the fundraising efforts at Arkansas Tech University. The contacts and communication each employee at Tech have with the students throughout their college careers, and afterwards, is an important first step in developing alumni who care enough about their alma mater to contribute to its support. The Arkansas Tech University Foundation serves as a channel for all private gifts which benefit Arkansas Tech University. All Arkansas Tech University fundraising activities must be approved in advance of the activity through the Advancement Office, Williamson Hall.

Purpose

The Foundation partners with Arkansas Tech to strengthen and further the University's mission. The Arkansas Tech University Foundation is recognized by Arkansas Tech's Board of Trustees as a private partner, tax exempt, and an independent organization to receive and manage private gifts. The Arkansas Tech University Foundation maintains accounts for many of the academic departments and collegiate programs, as well as scholarship accounts. These accounts receive contributions from donors who direct that their gifts be used by a particular department, or to support the Alumni Association, Green and Gold, or any of the other programs on campus. The appropriate dean, department head, or other program advisor may request expenditures from these funds, to support travel, professional meetings, luncheons, general supplies, or other discretionary spending needs.

Management

The Foundation is governed by the ATU Foundation Board of Directors. Designation of membership is coordinated by the Nominations Committee and approved by the full board. The volunteer members of the Foundation Board provide prudent and sound investment management. They also work closely with the Advancement Division to raise funds from corporations, foundations, and individuals.

Faculty and Staff Payroll Deductions

Through a program of payroll deductions, faculty and staff members may authorize a contribution withheld from their monthly paycheck, to be used specifically by the academic department or program of their choice. Because the Foundation is a separate, non-profit organization, all contributions received are qualified tax-deductible charitable contributions. Necessary forms can be obtained from the Advancement Division in Williamson Hall, by phone at 968-0400, or by E-mail givetotech@atu.edu

A Strong Partnership for Leadership

The strong partnership between Arkansas Tech University and the Arkansas Tech University Foundation has enhanced private giving through the years. This partnership will also serve as the catalyst that will allow Arkansas Tech to strengthen its educational leadership and academic excellence into the future.

EMPLOYMENT AND RETIREMENT POLICIES

Salaries

The University does not have a fixed salary schedule; however, acting within the limitations of the budget and in response to definite needs and demands, it does undertake to maintain a well-defined pattern in establishing salaries. This salary pattern represents the considerations given to education, experience, special needs, and the relative value of the individual to the University.

Payroll Information

Immediately upon arrival on the campus, new faculty members will need to schedule a formal orientation with the Human Resources Office. The orientation process will include completion of personnel data information, employee insurance and retirement election.

Summer Teaching Appointments

Summer teaching assignments are separate from academic year appointments and are based on curricular need. Employment during the academic year does not imply an obligation for teachers to accept summer teaching assignments unless they so desire. If in any department curricular needs and the number of available qualified teachers do not coincide, the priority of assignments is, first, to teachers who have accepted appointment for the ensuing year (this priority may extend to teaching both summer terms if the need exists), and second, to teachers who have chosen not to accept reappointment. Existing faculty with regular appointments will receive priority consideration for summer teaching assignments; however, as a means of providing for the instructional needs in graduate, continuing education, or other special programs, adjunct, part-time, visiting, and consultant faculty may be employed.

External Employment Policy

External employment is defined as any paid activity for any non-university entity or person, whether or not such work is performed on campus, and also includes self-employment such as, but not necessarily limited to, consulting, advising, workshops, seminars, conferences, or similar work performed in addition to the official responsibilities of a full-time employee.

Arkansas Tech University employees are expected to fulfill their duties and responsibilities assigned to their particular position or job. External employment should not interfere with university employment. External employment must not create or result in a conflict of interest.

External employment is subject to the following expectations:

1. To avoid any conflict of interest, notification of external employment must be provided to the appropriate Vice President or Athletic Director and documented on ATU's External Employment Request Form.
2. The external employment may not interfere with the obligations of the employee to the university or create any conflicts of interest;
3. For employees who accrue annual leave, annual leave must be taken if the external employment would overlap with regularly scheduled work hours of the employee;
4. As a general rule, university resources (including facilities, supplies, and equipment) shall not be used for personal gain. However, in certain projects which accrue to the mutual

benefit of the university and the individual faculty member, a Memorandum of Understanding for reimbursement to the university may be entered into in order to provide access to university resources.

5. Employees performing external employment are solely responsible for work performed in the course of external employment, and the university is not responsible for such work;
6. All external work is performed in the employee's individual capacity;
7. Employees engaged in external employment do not officially represent the university, will not receive legal representation from the university, and are not an agent of the university when acting in that capacity; and
8. The view, thoughts, and expressions of the employee during the external employment do not represent the views or position of the university.

Resignations

A teacher who does not wish to return for the ensuing school year should so inform the head of the department and should submit a formal letter of resignation to the Executive Vice President for Academic Affairs and Provost for future protection in the event inquiries are made as to the reasons for leaving. After receiving a notice of appointment, a teacher who decides not to accept the appointment should return the unsigned employment notice on or before the date indicated. In this case, the above resignation procedures shall be followed. After employment has been accepted and the agreement signed, teachers should consider themselves bound by the code of ethics of the teaching profession to fulfill the commitment.

For further information concerning resignation policies, please refer to Section C of the "Regulations on Academic Freedom and Tenure."

Retirement Policies

Arkansas Tech University complies with the Federal Age Discrimination in Employment Amendments of 1986 which prohibit the mandatory retirement of any employee. All exemptions applying to higher education were repealed as of December 31, 1993, eliminating compulsory retirement for all faculty.

Human Resources Termination Procedures

Before an employee's final paycheck will be issued, the following must be completed:

a. Exit interview packet of termination materials completed and returned to the Office of Human Resources.
b. Clearance from the Library, Procurement and Risk Management Services, Facilities Management, Travel/Budget Office and Student Accounts offices.
c. Return of Keys and/or University property
d. Exit Interview with the Office of Human Resources

Questions concerning leave (when applicable), conversion of insurance, or retirement will be addressed during the exit interview.

After clearance from Human Resources, the employee may pick up the final paycheck from the Payroll Office, unless otherwise arranged. Automatic bank deposit is not allowed for a final

paycheck. Additionally, the final paycheck will include all salary due the employee at the time of termination.

Background Check Policy

PURPOSE
Background checks will be performed on applicants for employment at Arkansas Tech University in order to create a safe and secure workplace for students, faculty, staff, administrators, and visitors; to protect funds, property and other assets of the university; and to ensure that Arkansas Tech University employees are qualified to perform duties and responsibilities of the positions for which they apply**.**

DEFINITIONS
Arkansas Tech University. Arkansas Tech University means any of the constituent campuses which comprise the Arkansas Tech University System.

Hiring Department. The Hiring Department for purposes of the Background Check Policy is the department or university unit seeking to hire an Applicant.

Security Sensitive Positions. Security Sensitive Positions are those positions which involve the care, safety, and security of people or property. These positions include persons charged with the care of others, persons with access to mater or sub-master keys, and persons with access to residences, laboratories, and other facilities. Examples include but are not limited to university police officers, childcare workers, custodial employees, athletics, and residence hall assistants.

Financially Sensitive Positions. Financially Sensitive Positions are those positions which allow direct access to, or control over, cash, checks, credit card accounts, or financial information. These positions include persons with authority to commit the financial resources of the university through purchases or contracts and persons charged with insuring proper expenditures. Examples include but are not limited to cashiers, accountants, purchasing card holders, and controllers.

Data Sensitive Positions. Data Sensitive Positions are those positions which allow access to personally identifiable information about individuals or organizations associated with the university or involve the creation or maintenance of processes required to secure information maintained by the university. These positions include persons who enter personally identifiable information into university database as well as persons who control or manage operating processes. Examples include but are not limited to network administrators, system programmers, human resources personnel, and advancement employees.

Applicant: An applicant is:

1. Any person making an initial application for employment at Arkansas Tech University;
2. Any former regular or adjunct employee who is being considered for rehire after a break in employment of one year or more;
3. Any current employee who is being considered for transfer, promotion, reclassification, or appointment to a Security Sensitive Position, a Financially Sensitive Position, or a Data Sensitive Position;
4. Any current employee competing for a vacancy through an external search process;
5. Any current employee changing from a faculty to an academic administrative position; or

6. Any graduate assistant, teaching assistant, post-doctoral appointee, temporary employee volunteer or affiliate with significant responsibilities in a Security Sensitive Position, Financially Sensitive Position, or Data Sensitive Position.

Final Applicant. A Final Applicant is the applicant selected by the Hiring Department as the person desired to be hired.

Contract Worker. A Contract Worker is a person hired by an outside employer who performs work on Arkansas Tech University property on a regular basis. Contract Workers include all employees of companies operating businesses on ATU Campuses such as bookstores and food service. Other examples include scorekeepers, referees and umpires, interpreters for the hearing impaired, and multimedia specialists. Contract Workers also include those persons assigned to an ATU campus for the term of a contract such as construction superintendents or project consultants. Persons providing only intermittent work on ATU campuses such as construction crews, equipment repair personnel, or event extra help shall not be considered Contract Workers.

Visiting Scholars. In order to increase the exposure of students to practical applications of theory and other educational viewpoints, many professors utilize visiting lecturers who are not typical employees of the university. These individuals most frequently attend one or two class sessions, with the instructor also in attendance, and speak to specific topics for which they have specialized, expert or practical knowledge. These individuals may receive a small honorarium or may not charge for their services, depending on various factors. They are not employees of the university, but guests. As long as the instructor or other responsible employee (such as a department head) is present during the lecture, the Visiting Scholar shall not be subjected to background checks. However, in the rare instances where a Visiting Scholar may have one-on-one interaction with a student or students in private and unsupervised, the Visiting Scholar must agree and be subjected to background checks as outlined in this policy.

Break in Service. A break in service is a break in employment with Arkansas Tech University or an Arkansas state agency. The Office of Human Resources will determine if a break of service has occurred in an applicant's employment record. Example guidance: For adjuncts, the summer semester will not count as a break in service if they teach during the fall and spring semester. However, if the adjunct only teaches one (1) semester and not the other, it would count as a break in service.

Criminal Background Check. A Criminal Background Check includes obtaining information regarding the Applicant's criminal history at the local, state, federal, and international levels.

Sexual Offender Background Check. A Sexual Offender Background Check includes obtaining information regarding the Applicant's sexual offender history or requirement to register as a sex offender in any jurisdiction.

Credit History Background Check. A Credit History Background Check includes obtaining information regarding the Applicant's debt, credit, and financial history.

Reference Check. A Reference Check is the investigation conducted by the Hiring Department regarding the Applicant's references and other information submitted with the job application.

Offer of Employment. An Offer of Employment is an offer made after satisfactory completion of the Reference Check and any Criminal Background Check, Sexual Offender Background Check, or Credit History Background Check required by the position. The Offer of Employment template shall be provided by the Office of Human Resources.

Conditional Offer of Employment. A Conditional Offer of Employment is an offer extended contingent upon the satisfactory completion of the Reference Check and any Criminal Background Check, Sexual Offender Background Check or Credit History Background Check required by the position. The Conditional Offer of Employment template shall be provided by the Office of Human Resources.

Offering Official. The Offering Official is the representative of the Hiring Department responsible for making a Conditional Offer of Employment or an Offer of Employment.

Background Check Committee. The Background Check Committee shall be composed of the Director of Human Resources and a representative from Academic Affairs, Administration and Finance, and Student Services with University Counsel serving in an advisory capacity. This committee will function to evaluate whether Offers of Employment shall be made when background checks uncover unfavorable information.

POLICY

An Applicant for employment with Arkansas Tech University shall proceed through the application process established by ATU policy, the Office of Human Resources, and the Hiring Department seeking to hire for the position. The Hiring Department shall conduct a Reference Check. Upon selecting the Applicant desired to be hired, the Offering Official of the Hiring Department shall make a Conditional Offer of Employment to the Final Applicant.

For camps, workshops, or seminars on campus or campus-sponsored involving minors, a complete background check will be required for all Final Applicants or volunteers.

Upon receipt of a Conditional Offer of Employment, the Final Applicant shall be required to authorize the background checks applicable to the position. Every Final Applicant must authorize a Criminal Records Background Check and a Sexual Offender Background Check. Final Applicants for Financially Sensitive Positions or Data Sensitive Positions must also authorize a Credit History Background Check. These checks shall be in addition to and not in substitution for any specific licensure search, drug testing, credentials verification, or other requirements specific to the position which shall have been conducted during the Reference Check.

If the background checks uncover no problems, an Offer of Employment may be extended by the Offering Official to the Final Applicant. The Office of Human Resources will provide notification to the Offering Official of the cleared background checks.

If the background checks uncover unfavorable information, the Background Check Committee will evaluate whether to make an offer of employment to the Final Applicant.

If the background checks uncover unfavorable information, the Offering Official and/or the Office of Human Resources will comply with all provisions of the Fair Credit Reporting Act with respect to notice and afford the Final Applicant the required opportunity to respond to the unfavorable report. The Background Check Committee shall consider all information submitted by the Final Applicant in rebuttal to the unfavorable background check information in its determination.

In determining whether unfavorable results obtained on a background check should result in the decision not to make an Offer of Employment to the Final Applicant, the Background Check Committee will examine each case on its own merits and may consider any of the following evidence of rehabilitation:

1. The age at which the act was committed;
2. The circumstances surrounding the act;
3. The length of time since the act;
4. Subsequent work or credit history;
5. Employment references;
6. Character references; and
7. Other evidence demonstrating that the final applicant does not pose a threat to the safety of persons or property in the Arkansas Tech University community

The Background Check Committee shall make the determination as to whether an Offer of Employment will be extended. The Director of Human Resources will notify the offering Official of the decision and, if applicable, shall notify the chair of the search committee. If the search committee does not agree with the decision of the Background Check Committee, the chair of the search committee and the Director of Human Resources shall meet with the executive council member who supervises the Hiring Department. The executive council member shall consult with the university counsel and./or the university president and shall then make a decision as to whether to extend an Offer of Employment based on the results of the background checks.

After full compliance with the Fair Credit Reporting Act, the Offering Official will either make an Offer of Employment or advise the Final Applicant that no Offer of Employment will be made. All information obtained as part of a background check for the Final Applicant shall be maintained in the Office of Human Resources.

A Final Applicant extended a Conditional Offer of Employment may be allowed to begin work pending receipt of the required background checks only if Arkansas Tech University operations cannot be carried out in the absence of the Final Applicant. If satisfactory results in the background checks are not obtained, the Final Applicant working during the pendency of the Conditional Offer shall be removed from employment following compliance with the Fair Credit Reporting Act and any other applicable laws or regulations.

All businesses contracting with Arkansas Tech University shall provide proof that Contract Workers have undergone background checks consistent with the above policy.

FACULTY BENEFITS AND PRIVILEGES

Detailed descriptions of the following benefits are available from the Human Resources Office located at 105 West O Street, Brown Building 420, Russellville, AR 72801.

Arkansas State Employees Association

ASEA is an independent, non-profit organization which works to make conditions better for state employees. The association works with the legislature, agencies and institutions of state government, and employees of the state. Information is available in the Payroll Office. Dues can be payroll deducted.

Bookstore Discounts

Full-time faculty members making purchases at the Bookstore are entitled to discounts on purchases of $2.00 or more (excluding regalia and convenience items such as snacks, drinks, medicines, etc.). The discount allowed on new and used textbooks is ten percent.

Business Discounts

Occasionally, all employees and members of the immediate family are eligible to receive discounts from area businesses. Information may be obtained in the Human Resources Office.

Credit Union

Employees may participate in the Priority Federal Credit Union and/or the Arkansas Federal Credit Union through payroll deduction. Additional information is available in the Human Resources Office.

Faculty Identification Card

Each faculty member may obtain without charge from the Student Accounts Office a photo-identification card. If a replacement card is needed, a $25 fee will be charged.

Employee ID cards are necessary to access most campus buildings after regular business hours.

Library materials may also be checked out upon presentation of the employee I.D. Card.

Faculty/Staff Aid for On-Campus Study

ATU Tuition Benefit Policy

I. Eligibility

All full-time, active ATU employees, their spouses, and their dependents (as defined by the Internal Revenue Service Qualifying Child Test: https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/qualifying-child-rules) are eligible. Employees on workers' compensation, military or family medical leave are eligible. Employees on leave without pay are not eligible.

Tuition Waiver requests must be submitted by the first day of class (fall, spring, summer, condensed classes) in order for the waiver to be considered.

For the employee's waiver and/or the dependent's waiver to be valid the employee must be an active employee on the first day of class (fall, spring, summer, condensed classes).

II. Extent of Benefit

a. Employee

i. For employees hired after July 1, 2018 and for current employees on June 30, 2018 who earn hours after July 1, 2018, employees may take up to a lifetime total of 144 undergraduate and/or 40 graduate master's level, semester credit hours at ATU with a 100% tuition and fee waiver benefit (excluding course specific fees). For purposes of clarity, hours already earned by existing employees on June 30, 2018 will not count against the lifetime total caps that begin on July 1, 2018.

Revised 8/1/19

ii. Employees must have the permission of their immediate supervisor and appropriate dean or vice president to take courses. Employees may not take classes during regular duty hours without permission from their supervisor. The sole exception to this is that with their supervisor's permission, an employee may take a course in lieu of their lunch hour.

iii. Employees' semester credit hours may not exceed 18 hours total in any fiscal year (July 1 through June 30) unless approved by the Vice President for the employee's specific unit.

iv. Tuition and fee waiver will cover audited courses provided the employee initially registers to audit the course.

b. Dependents

i. Employee's spouses and dependents may take up to a lifetime total of 144 undergraduate[5] and/or 40 graduate master's level, semester credit hours at ATU with a 50% tuition only waiver benefit. Dependents may receive a full discount of tuition for three semester credit hours or 50% of total tuition for the semester, whichever is greater. Reduced tuition for dependents applies only to tuition not otherwise covered by scholarships and the total should not exceed the total tuition charged for the semester. The maximum graduate course discount is equivalent to three semester credit hours per term.

ii. Tuition waiver benefit does not cover audited courses for dependents.

III. Failure and Withdrawal guidelines

a. Failure

i. Employees who receive failing grades, F in undergraduate level courses and D or F in graduate level courses, must repay 100% of the

[5] *Total number of undergraduate hours equals the maximum number of hours for which students may receive federal aid.*

total tuition and fee benefit for each course in which they receive a failing grade.

b. Withdrawal
   i. Employees and dependents who withdraw or change the status of their course(s) to audit after the last day to withdraw with a full reduction of tuition and fees and before the last day to withdraw with an 80% reduction of tuition only (as indicated by the Academic Calendar) will be required to repay the University benefit by 20% of tuition and all fees.
   ii. Employees and dependents who withdraw or change the status of their course(s) to audit after the final day for an 80% reduction in tuition (as indicated by the Academic Calendar) will be required to repay the University 100% of the total waiver benefit.

IV. Financial Obligation
   a. Failure to Pay
      i. Employees and/or dependents who do not complete their financial obligation to the University due to III, a., i. or III b., i, ii; will be billed for the amount owed. If not paid, the University has the right to forward the account outstanding to a collection's processor or the use the State's Set-Off Fund.

Faculty/Staff Tickets for Athletic Events

Faculty/staff members and their immediate family will be admitted to most athletic events on the presentation of their digital faculty/staff pass, which will be scanned at the event.

Group Insurance

Arkansas Tech University provides full time faculty/staff an opportunity to participate in medical, dental, vision, life insurance, disability products, hospitalization, accidental injury, and major medical insurance on an elective basis. Changes can only be made during the year due to a qualifying life event, otherwise any additional changes cannot be made until Open Enrollment for the next plan year.

The University participates in some cost of the medical, dental, and group term life insurance, please reach out to a member of Human Resources for the specific amounts.

Retirement Benefits

State law requires that all full-time faculty participate in an approved retirement system. Once a retirement plan has been selected, it cannot be altered during the course of employment at ATU. Eligibility in retirement systems is as follows:

- **Teachers' Insurance and Annuity Association (TIAA-CREF)**
  - All employees
- **Arkansas Public Employee Retirement System (APERS) with limitation**

    - Employees fully vested in APERS prior to hire date at ATU
- **Arkansas Teacher Retirement System (ATRS) with limitation**
    - Employees fully vested with ATRS prior to hire date at ATU

Information on these plans will be furnished in faculty orientation sessions and upon request.

Voluntary supplemental retirement plans are also available for employees interested in contributing additional funds towards retirement.

Tech Retiree Benefits

Benefits specific to retirees include the following:

1. Retirees are issued an Arkansas Tech University identification card free of charge.

2. Retirees are admitted free to most conference athletic events by showing the Tech identification card.

3. Discounts at the Tech Bookstore are given to retirees.

4. The Tech identification card allows retirees the use of the Library when it is open.

5. Retirees may use Tucker Coliseum for exercising.

6. Retirees are invited to special social events on the campus which are for the purpose of entertaining faculty and staff.

7. Retirees with official campus business may request one complimentary automobile decal with additional decals issued at the regular price.

Retirement Policy

Employees who are age 60 or above and have completed ten (10) years of service at Arkansas Tech University may retire and have a portion of their health insurance premium paid by Arkansas Tech University until the retiree reaches Medicare eligibility age. All employer contributions will then cease. Also, a partial premium is paid for life insurance. All other family insurance coverage is the responsibility of the retiree.

As is the case with all other benefits, this is subject to continuing approval by the Board of Trustees. Arkansas Tech University specifically reserves the right to amend, revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion.

Sick Leave

The following policies concerning sick leave were approved by the Board of Trustees on February 21, 1980:

Academic personnel, including faculty, deans, directors, and librarians, are provided sick-leave protection up to ninety calendar days per academic year for illness or disability. The University is able to provide this liberal sick-leave policy through the cooperation of fellow faculty members who, to the extent possible, assume the instructional responsibilities of those on sick leave.

For those who have long-term disability insurance, the ninety-day provision enables continuous compensation until the insurance becomes effective.

Maternity leave shall be treated as any other leave for sickness or disability. Additional leave without pay, up to one year, may be granted if requested by the employee.

Part-time faculty may participate in sick-leave benefits in the same proportion as their teaching assignment is to a full teaching load on a nine-month basis.

Faculty may utilize sick leave for absences due to illness, injury, emergency dental or doctor appointments, or death or serious illness in the employee's immediate family.

Social Security

The University pays the maximum as specified by law.

Vacation with Pay

The following policies on vacation with pay were approved by the Board of Trustees on February 21, 1980:

Academic employees on a nine-month basis will not be granted separate vacation periods with pay due to the academic breaks at Thanksgiving, Christmas, and Spring holidays.

Academic administrators, including deans, directors, librarians, and heads of departments on twelve-month contracts, are provided vacation leave in accordance with the Uniform Attendance and Leave Policy Act, State of Arkansas (Act 567 of 1975, as amended), with additional provisions as approved by the Arkansas Tech University Board of Trustees on December 20, 1979.

Workers' Compensation Insurance

All employees are insured under the Worker's Compensation Insurance program without cost to the individual. This program provides benefits in connection with injuries received on the job. Injuries should be reported to the Human Resources Office within twenty-four hours. Faculty members who are injured while acting within the scope of their employment will be eligible to file for Workers' Compensation insurance.

PROFESSIONAL GROWTH AND DEVELOPMENT

At Arkansas Tech University professional growth and development are critical individual and instructional concerns. A major component of the University's efforts is to maintain and improve the quality and scope of the instructional program.

Each academic department encourages professional growth and development through the expenditure of its regular budget for such activities as professional travel and participation in professional societies and through supporting faculty in obtaining external funding sources. Additionally, faculty development funds administered through the offices of the college deans and Executive Vice President for Academic Affairs and Provost support sabbatical leaves, research grants, advanced graduate study, and special growth/development opportunities. The Faculty Salary and Benefits Committee and the Professional Development Committee assist the academic administrators with professional development funding by encouraging faculty to submit proposals, evaluating the proposals, and recommending in priority order those which show particular developmental promise.

The following programs have been established at Arkansas Tech University to enhance individual and departmental efforts for professional growth and development. Additional information on these programs is available at http://research.atu.edu.

ATU Faculty Research Fund

Each year the University allocates funds to stimulate activity in research through mini-grants for small or pilot research projects. The amount of $2,000 has been designated as the maximum amount per project. Applications must describe the project in detail, identifying the problem and purpose of the study and specifying separately the amounts requested for equipment, travel, materials, clerical or laboratory assistance, and, when applicable, reduction of teaching load, with an explanation of each item of expenditure. Plans for dissemination of the results are to be included. Applications may be submitted at any time, but a project proposing relief from teaching duties for a semester or more must be submitted in time for committee action, at least six months in advance of the effective date.

Applications should be submitted to the Office of Sponsored Programs for subsequent transmittal to the Professional Development Committee. The committee reviews all applications and submits to the Executive Vice President for Academic Affairs and Provost those it recommends for approval in whole or in part. Expenditure of funds is processed through the Business Office according to established purchasing and accounting procedures. All equipment purchased through a faculty research allocation becomes the property of the University for instructional use by the faculty member's department upon completion of the project. The terminal report, including findings and data, is to be submitted within twelve months of project completion or upon termination of employment.

Guidelines describing proposal development and evaluation procedures are available on the ATU website at http://research.atu.edu. Click on the Faculty Research link.

Sponsored Programs and Projects

Sponsored research projects and grants are coordinated through the academic units. Information to assist in the research process is available at http://research.atu.edu. To establish an orderly procedure for handling the increasing number of University projects financed in part or in whole by outside agencies, the Board of Trustees has approved the following policies:

All projects for institutes, workshops, or research contracts and grants, financed in part or in whole by funds from outside agencies, shall be cleared through normal administrative channels prior to the initiation of a proposal. In general, those projects are encouraged which have their inception in the interests of individual faculty members or groups of faculty members working within the framework of the overall instructional purposes of their department or college.

The preparation of a proposal, after preliminary institutional approval of the project, is the responsibility of the staff member or members initiating the project. Normally, the individual with primary responsibility for drafting the proposal will be the person designated as supervisor or director of the project if the grant should be obtained. Resources to assist in preparing a grant proposal are available at https://www.atu.edu/gradcollege/orsp/started.php.

When a proposal is in final form, it will be submitted for review and final approval by the appropriate Department Head, College Dean, and Executive Vice President for Academic Affairs and Provost. The proposal is submitted to the contracting officer for the University (Vice President for Administration and Finance) for approval of the budget. After approval by the Vice President for Administration and Finance, the proposal is forwarded to the Executive Vice President for Academic Affairs and Provost and the President for approval. Appropriate forms for securing signatures are available in the Office of Academic Affairs.

In proportion to the amount of an individual's time to be devoted to a contract involving outside funds, the staff member is to be relieved of other duties during any period of obligated full-time service to the University. Compensation for contracts or grants must be approved by the Board of Trustees. If, however, a part or all of the individual's duties under a project are to be performed during any part of the summer, when a teaching contract is optional, the University will execute a separate contract for his/her services at an appropriate salary. A staff member under a twelve-month contract may receive additional compensation only for any part of the services which may fall within his/her normal vacation time.

Any deviation from the above policies shall require the specific approval of the Board of Trustees.

Special Policy Statement Related to Grant Writing *approved by ATU Board of Trustees October 15, 2026

1. Purpose

The purpose of this policy is to establish guidelines for grant development, submission, and administration at Arkansas Tech University. The University encourages faculty and staff to pursue external funding opportunities to support research, academic programs, institutional initiatives, and community development**.** This policy ensures that all grant-related activities are conducted in compliance with federal, state, local, and institutional regulations while maintaining transparency, accountability, and alignment with the University's mission.

2. Scope

This policy applies to all University personnel**,** including faculty, staff, and administrators, involved in grant proposal development, submission, and management. It **covers** all types of grants, including federal, state, private, and internal funding opportunities.

3. Roles and Responsibilities

3.1 Office of Grant and Sponsored Programs Coordination (OGSPC)

Office of Grant and Sponsored Programs Coordination (OGSPC) is responsible for overseeing the grant process. OGSPC personnel provide support and guidance to faculty and staff throughout the grant development process, ensuring compliance with funding agency requirements and University policies.

OGSPC is committed to supporting timely and effective collaboration with faculty and staff by providing expected response timelines, identifying alternate contacts during absences, and maintaining open channels for communication and feedback. Faculty are expected to work with OGSPC at the earliest stages of proposal development to ensure compliance with university, legal, fiscal, and sponsor requirements. The University requires that full proposals be submitted to OGSPC at least five business days before the sponsor deadline to allow for review and approval. Proposals submitted with insufficient lead time may not be submitted. Deadlines that fall on days when the University is closed will be observed on the preceding business day.

3.2 Director of Grants

The Director of Grants within OGSPC is responsible for reviewing and approving all grant proposals before submission. The Director ensures that:

- The proposal aligns with University priorities and funding agency guidelines.
- All necessary institutional approvals are obtained.
- Compliance with legal, financial, and ethical considerations is met.

3.3 Grant Applicants (Faculty and Staff)

Individuals applying for grants are responsible for:

- Developing the proposal with the guidance of OGSPC
- Securing all necessary internal approvals before submission.
- Coordinating with OGSPC for compliance, budgeting, and post-award requirements.

3.4 Post Award Grants Office

The Post Award Grants Office is responsible for:

- Monitoring grant expenses and ensuring proper financial oversight.
- Assisting with procurement, fund distribution, and financial compliance.
- Supporting grant reporting and close-out processes.

3.5 Principal Investigator (PI)

The Principal Investigator (PI) leads the intellectual direction of a funded project and is responsible for its scientific, technical, and programmatic execution, as well as compliance with sponsor and institutional requirements. The Principal Investigator (PI) is responsible for:

- Follow all University, State, Federal, and award-specific policies and procedures.
- Use grant funds as agreed upon in the grant award.
- Submit all technical, programmatic, and financial reports in a timely manner as required by the award and University policy.
- Ensure compliance with ethical standards, including those related to human subjects, animal use, and conflicts of interest.
- Provide leadership to project personnel and ensure adherence to project goals, timelines, and deliverables.

3.6 Supporting Department

The Supporting Department is the academic or administrative unit in which the Principal Investigator (PI) resides. This department provides the institutional base for the project and serves as the PI's primary administrative home during the life of the award. The supporting department is responsible for:

- Cover any un-reimbursable or cost-sharing expenses associated with a grant award.
- Provide administrative support for award activities, including personnel actions, procurement processing, and internal record-keeping.
- Ensure departmental oversight and accountability for compliance with institutional policies related to grant management.

4. Grant Submission and Approval Process

4.1 Grant Proposal Development

- Faculty and staff interested in applying for a grant should first consult with OGSPC for guidance.
- OGSPC will assist in identifying funding opportunities, drafting the proposal, and ensuring compliance with funding agency guidelines.

4.2 Internal Approval Process

Before a grant can be submitted, a Grant Approval Form must be completed. This form includes all necessary internal information and requires approval from:

1. Principal and all Co-Principal Individuals Involved
2. Director of Grants (OGSPC)
3. Department Chair
4. College Dean

5. Dean of the Graduate College
6. Cognizant Vice President
7. Vice President for Administration & Finance
8. President, if the grant amount exceeds $199,999, requires matching funds, special facilities, such as lab space, storage, or property leasing

Once all signatures are obtained, the OGSPC is the only entity authorized to submit grant proposals on behalf of the University. This centralized structure ensures all grant and contract agreements comply with institutional and legal requirements, as only designated officials are authorized to enter the University into binding agreements. For low risk noncontractual funding opportunities that serve internal or student purposes, the University may implement streamlined processes with the guidance of academic leadership.

5. Financial Considerations

5.1 Indirect Cost Allocation

Many grants provide indirect costs (funds allocated beyond direct project expenses). These funds should be used in support of expanding research and related programming activity. Indirect cost recovery will be distributed as follows:

- 40% – Vice President for Finance
- 20% – Vice President for Academic Affairs
- 20% – Cognizant College (Housing the Grant)
- 20% – Graduate College

5.2 Matching Funds

If a grant requires matching funds, approval must be obtained from the Director of Grants before the proposal can proceed to full submission approval. Proposals requiring matching also require approval from the designated account/resource holder, and the president.

5.3 Faculty Release Time and Compensation

- Faculty involved in externally funded projects may be eligible for support in the form of release time, extra compensation, or summer pay, as appropriate to the project.
- These costs (release time, extra compensation, or summer pay) must be included in the grant budget (not covered by indirect costs) and are subject to employment type and contractual agreements with the University.
- Additional supports may include proposal development stipends, student research assistants, travel to meet with program officers, and other research-enabling expenses when allowable by the funding agency.
- OGSPC will provide guidance to faculty on how best to incorporate these supports into their proposals.
- Proposals including release time or course buyouts require additional approval from the direct supervisor and cognizant dean.
- On occasion, the university may have limited funds available to assist with grant writing for proposals that are significant in size and scope. Faculty and staff

interested in pursuing such support should consult their College Dean or the Director of Grants for more information.

6. Compliance and Legal Considerations

6.1 Regulatory Compliance

All grant-funded projects must comply with:

- Federal, state, and local laws
- University policies and procedures
- Funding agency regulations

The OGSPC Office is responsible for ensuring ongoing compliance, and University legal counsel is available to assist with legal and ethical considerations prior to submission.

6.2 Financial Oversight

The Post Award Grants Office is responsible for:

- Monitoring grant expenditures
- Assisting with financial reports and procurement
- Ensuring proper allocation and utilization of funds

7. Reporting and Post-Award Administration

Once a grant is awarded, the Principal Investigator (PI) or Project Director must:

- Work with OGSPC and the Post Award Grants Office to ensure compliance.
- Submit progress reports as required by the funding agency.
- Coordinate with the Post Award Grants Office to ensure financial and programmatic reporting align.

At the conclusion of the grant period, all close-out reports must be submitted in accordance with funding agency guidelines.

7.1 Post Award Grants Office

The Post Award Grants Office oversees the setup, financial monitoring, compliance, and closeout of all externally funded awards to ensure effective stewardship and adherence to sponsor requirements.

The Post Awards Grants Office is responsible for:

- Ensure all external awards are managed in a manner that reduces the University's risk exposure and complies with University, State, Federal, and award-specific policies.
- Facilitate and support grant-related activities through financial management, education, and consultation with faculty and staff.
- Develop procedures that balance risk management, efficiency, and effective award operations and research support.

The Post Awards Grants Office has the following authorizations:

- Sign and/or submit financial reports and invoices on behalf of the University.
- Budget new external awards when received and manage all financial aspects

throughout the life of the award.
- Approve, deny, or reallocate grant-related requisitions and expenses.
- Create and enforce grant-related procedures for award setup, active management, and closeout.

8. Enforcement and Policy Review

- The Vice President for Administration and Finance holds final approval authority over all grant submissions.
- Any violation of this policy may result in administrative action.
- This policy will be reviewed periodically by OGSPC and the University administration to ensure alignment with institutional goals and regulatory changes.
- To promote transparency and accountability, administrative units receiving indirect cost allocations will provide an annual summary of indirect expenditures, organized by functional category. This report will be shared with the Provost/Executive Vice President of Academic Affairs and the Dean of the Graduate College for review and feedback. The policy review process will include consideration of this input to ensure continued alignment with research support goals.

Non-Compliance and Enforcement

Failure to comply with this policy may result in:

- Grant applications being withdrawn or denied submission.
- Loss of eligibility for future grant submissions.
- Administrative action, including potential disciplinary measures.
- Misuse of funds or regulatory non-compliance may result in institutional or legal ramifications, up to and including termination.

Appeals and Exceptions

- If a grant application is denied due to policy restrictions, the applicant may submit a written appeal to the Vice President for Academic Affairs within 10 business days of the decision.
- Exceptions to this policy may be granted in extraordinary circumstances upon review by the Vice President for Academic Affairs and the Director of Grants.

Definitions

- Indirect Costs – Overhead expenses incurred by the University to support grant-funded projects, such as administrative support, facilities, and utilities.
- Matching Funds – University funds that supplement a grant as a requirement of the funding agency.
- Principal Investigator (PI) or Project Director – The faculty or staff member responsible for leading and managing the funded project.
- Office of Research and Sponsored Programs (OGSPC) – The office responsible for assisting with grant development, submission, and compliance.
- Post Award Grants Office – The team under the Vice President for Finance responsible for financial oversight, procurement, and compliance after a grant is awarded.

Conflict of Interest

University personnel engaged in grant activities are required to disclose potential conflicts of interest, including financial, professional, or personal relationships with funding agencies or external partners. Such disclosures will be reviewed under the University's Code of Ethics and Conflict of Interest process, with University Counsel serving on the COE/COI Committee.

Intellectual Property and Data Management

- Intellectual property arising from grant-funded research will be governed by the University's Intellectual Property Policy.
- Grant recipients must adhere to the data storage, security, and sharing policies outlined by the funding agency and the University.
- Any commercialization of grant-funded research must be coordinated with the Office of Technology Transfer or University Legal Counsel (if applicable).

*approved by ATU Board of Trustees October 15, 2026

Intellectual Property (IP) Policy

*approved by ATU Board of Trustees October 15, 2026

1. Introduction

1.1 Purpose

This Intellectual Property (IP) Policy establishes the principles governing the ownership, protection, and commercialization of intellectual property developed at Arkansas Tech University (ATU). The policy is intended to promote innovation, research, scholarship, and creative activity while ensuring that faculty, staff, and students receive appropriate recognition for their contributions and that university resources are used responsibly and equitably.

This policy provides guidance for determining ownership of intellectual property, outlines procedures for disclosure and protection, and establishes a framework for the distribution of revenues generated through commercialization.

As part of their role, members of the ATU faculty are expected to engage in research, scholarship, and/or creative/professional activities. Arkansas Tech benefits from faculty members who excel in these areas. ATU's intellectual property policy is not intended as a hindrance to these endeavors nor should it be construed as discouragement of connection between faculty research, scholarship, professional/ creative activities and the wider campus community.

With regard to faculty, intellectual property profit sharing applies only to activities which a faculty member could not reasonably be expected to pursue without university support. Amenities like the use of a campus office or computer, office supplies, or even faculty salary are not considered, in and of themselves, substantial enough support to entitle the university to intellectual property rights. In fact, Arkansas Tech recognizes that any such a claim to

property rights could encourage faculty members to pursue their most promising research, scholarship, and creative/professional activities wholly separately from the university, thereby denying prestige to Arkansas Tech and denying students exposure to top research, scholarship, and creative/professional endeavors. In contrast, Arkansas Tech encourages its faculty whenever possible to integrate research/scholarship/creative/professional functions with their teaching and campus life, modeling the work of researcher, scholar, creator, and professional for our students. Only when a faculty member's endeavors require the support of university funds or facilities does profit sharing apply.

1.2 Scope
This policy applies to all faculty, staff, students, visiting researchers, postdoctoral fellows, adjunct faculty, contractors, and collaborators who create intellectual property while using ATU funds, time, facilities, or other institutional resources.

The policy governs intellectual property created in connection with university employment, research activities, sponsored programs, or other projects supported through internal or external funding administered through the university.

1.3 Governing Laws
This policy aligns with the following laws and regulations:

- U.S. Copyright Law (Title 17, U.S. Code)
- U.S. Patent Law (Title 35, U.S. Code)
- Bayh-Dole Act (35 U.S.C. §200-212)
- Digital Millennium Copyright Act (DMCA)
- Family Educational Rights and Privacy Act (FERPA)
- Relevant Arkansas state IP and education laws
- Evolving regulations concerning AI-generated content

Where federal law, state law, or contractual obligations associated with sponsored research establish specific requirements related to intellectual property ownership or management, those requirements shall take precedence over this policy.

2. Definitions
AI-Assisted Works: Intellectual property developed by a human creator using artificial intelligence tools in which the human exercises substantial control, authorship, and decision-making over the resulting work.

AI-Generated Works: Works created primarily by artificial intelligence systems with minimal human input. Ownership and protectability of such works are subject to prevailing federal law and evolving regulatory guidance.

Assigned Duties: The specific responsibilities, tasks, and expectations outlined in an employee's Notice of Appointment or written employment agreement. For purposes of this policy, intellectual property creation, research, scholarship, or creative endeavors are considered assigned duties only when explicitly stated in the employee's Notice of Appointment or employment agreement.

Commercialization: The process of protecting, licensing, distributing, selling, or otherwise utilizing intellectual property to generate financial or public value.

Creator: Any individual, including faculty, staff, students, or collaborators, who makes a substantial intellectual contribution to the development of intellectual property.

External Funding: Funding not provided directly by the university and not administered through the university's financial system or institutional budget.

Intellectual Property (IP): Any work or invention resulting from intellectual effort that may be protected under copyright, patent, trademark, or trade secret law. This includes inventions, discoveries, processes, software, artistic works, trademarks, AI-assisted or AI-generated works, plant variety protection certificates, copyrightable works, and mask works.

Internal Funding: Funding provided directly by the university or administered through the university's financial system or institutional budget.

Intellectual Property Policy Advisory Board: A university committee responsible for reviewing appeals related to intellectual property ownership determinations or revenue distribution under this policy. The Advisory Board evaluates documentation associated with an appeal and provides a written recommendation in accordance with the dispute resolution procedures outlined in this policy.

Intellectual Property Policy Review Committee: An ad hoc university committee convened periodically to review and recommend revisions to the university's Intellectual Property Policy to ensure continued alignment with applicable laws, emerging technologies, and institutional practices.

Net Profit: The remaining income generated from the licensing, sale, or commercialization of intellectual property after deducting all direct expenses associated with its protection, administration, and development. These expenses may include legal fees, patent or copyright filing costs, marketing and licensing expenses, and other documented costs incurred in securing and managing the intellectual property.

Net Royalties: All royalties received by the inventor(s), creator(s), and the university from the sale, licensing, or other disposition of intellectual property, including one-time payments, milestone payments, or pass-through royalties, less costs specifically related to the protection, licensing, distribution, or commercial development of the intellectual property.

Notice of Appointment: An official document that records the duties assigned to an employee of Arkansas Tech University and specifies the percentage of effort devoted to each duty during the period the Notice is in effect. It identifies the appointee, effective date, and allocation of effort, and serves as the university's official record for determining responsibilities, expectations, and related intellectual property considerations.

Significant University Resources: The use of substantial Arkansas Tech University funds, laboratories, research staff, specialized equipment, computing infrastructure, or proprietary data and tools in the creation of intellectual property. Routine use of library services, standard office software, university-provided conference travel funds, or creator salary and benefits does not constitute significant university resources.

Sabbatical: A period of approved leave granted to a creator, typically for research, scholarship, or professional development, during which the individual remains an employee of the

university and retains access to university resources. All provisions of this Intellectual Property Policy apply to intellectual property developed during a sabbatical.

Sponsored Research: Any project funded by external sources through contracts, grants, or cooperative agreements that include stipulations regarding ownership or use of intellectual property developed during the project.

Traditional Scholarly Works: Academic or artistic works typically considered the property of the creator, including, but not limited to books, journal articles, theses, dissertations, poems, plays, musical compositions, sculptures, software and instructional materials.

3. Ownership of Intellectual Property

3.1 General Ownership Principles

Arkansas Tech University (ATU) may claim ownership of intellectual property developed under the following circumstances:

- The intellectual property is created as part of a creator's assigned duties as outlined in the individual's Notice of Appointment or employment agreement.
- The intellectual property requires the use of ATU funds, facilities, equipment, personnel, or other institutional resources for its creation.
- The intellectual property is developed using internal funding provided by the university or through funds administered within the university's financial system or institutional budget.
- The intellectual property is developed as part of sponsored research or other projects supported through external funding administered by the university.
- The intellectual property is created within a university-funded project or initiative that involves the use of proprietary ATU data, tools, or resources.

Creators retain ownership of intellectual property when:

- The work is developed independently without requiring the use of university resources.
- The work constitutes traditional scholarly works created for academic or scholarly purposes, including textbooks, journal articles, theses, dissertations, artistic works, or instructional materials which could not be developed without university support.
- The work is developed using external funding that is administered outside the university system and does not require university resources.
- The university elects to release or assign ownership rights to the creator under the provisions of this policy.

Routine university support, including library access, standard office software, normal instructional activities, university-funded conference travel, or employee salary and benefits other than those designated for research shall not be considered significant use of university resources for the purpose of ownership determination.

3.2 Faculty and Staff Creations

University-Owned Intellectual Property

Intellectual property created by a faculty or staff member shall be owned by the university when:

1. The work is developed in the course of assigned duties that explicitly include research, scholarship, or creative activity as specified in the individual's Notice of Appointment or employment agreement;
2. The work cannot be developed without the use of university resources; or
3. The work is developed using internal funding administered through the university.

For employees whose Notice of Appointment or employment agreement does not include research, scholarship, or creative activity as assigned duties, the presumption of ownership rests with the employee unless the university demonstrates that the work could not have been developed without university resources, internal funding, or commissioned activity.

Creator-Owned Intellectual Property
Creators retain ownership of traditional scholarly and creative works, including textbooks, journal articles, theses, dissertations, instructional materials, and artistic works, unless the work was commissioned by the university, developed with significant university resources, or produced using internal funding specifically allocated for the project.

Sponsored or Externally Funded Research
For intellectual property developed under external funding (including grants, contracts, or cooperative agreements), ownership shall be governed by the terms of the applicable funding agreement.
When funding agreements do not explicitly specify ownership, ATU will review the project context and may assert ownership where significant university resources were used or where contractual obligations require university participation.

3.3 Student Creations
Students generally retain ownership of intellectual property they create independently. However, the university may claim ownership when:

- The work is developed with internal funding or as part of university employment.
- The work is developed within a university-funded research project or initiative.
- The work is created as part of a sponsored research project governed by external funding agreements.
- The work could not be completed without the use of university resources beyond routine classroom tools or facilities.

Consultation with faculty, staff, or other university personnel, including mentorship or informal feedback, does not constitute faculty ownership of student-created intellectual property.

When projects involve collaboration between students, faculty, or staff, ownership will be determined based on the degree of intellectual contribution, applicable funding agreements, and established standards of authorship or inventorship.

Theses and dissertations are considered traditional scholarly works and remain the property of the student unless substantial university resources or contractual obligations dictate otherwise.

3.4 Creative Works and the Arts
Creators retain ownership of creative and artistic works such as books, films, music, visual art, performances, plays, and other artistic expressions unless:

- The work was created under a work-for-hire agreement;

- The work could not be produced without using university resources or internal funding; or
- The work was commissioned by the university or developed as part of a university-directed initiative.

Creative works developed independently without significant use of university resources remain the property of the creator.

3.5 AI-Generated Works

AI-Assisted Works
Intellectual property created with the assistance of artificial intelligence tools, where the human creator maintains substantial authorship and control, shall be treated as a traditional creative or scholarly work. Ownership will follow the general principles outlined in this policy.

AI-Generated Works
Works created primarily by artificial intelligence with minimal human input are subject to evolving federal law and may not qualify for traditional intellectual property protection. Ownership and protectability of such works will be determined in accordance with applicable legal standards and institutional policy.

AI Developed with University Resources
AI-generated or AI-assisted works developed using internal funding, university infrastructure, or proprietary ATU systems may be considered university-owned or jointly owned depending on the level of human contribution and institutional support. Creators are encouraged to disclose AI-assisted or AI-generated works through the Office of Research and Sponsored Programs (ORSP) to ensure proper documentation and compliance with this policy.

4. Profit-Sharing and Commercialization

4.1 General Principles
Arkansas Tech University (ATU) supports the protection and commercialization of intellectual property as a means to advance the public good, promote innovation, and recognize the contributions of creators.

When intellectual property generates revenue through licensing, sale, or other forms of commercialization, net profit, as defined in Section 2 of this policy, shall be distributed among the creator(s), their academic unit, and the university in accordance with the distribution model outlined below.

Unless otherwise specified by contract or external funding agreement, ATU will apply the following profit-sharing model to all university-owned or jointly owned intellectual property.

4.2 Annual Royalty and Profit-Sharing Model
Net profit generated from intellectual property will be distributed according to a progressive model based on total net profit generated within a fiscal year. The first $25,000 of annual net profits will be paid entirely to the creator. Anything in excess of $25,000 will be shared per the following formula below.

Net Profit	Creator	University – College	University - Academic Affairs	University- Administration
Up to $25,000	100%	0%	0%	0%
In excess of $25 ,000	50%	15%	15%	20%

ATU reserves the right to recover direct production, protection, or development costs prior to the distribution of net profit. Funds distributed to the college shall be used to support research, creative activity, or academic development consistent with the university's mission. Funds allocated to Academic Affairs and University Administration may be used to sustain institutional research capacity, innovation support services, and programs that support the university's mission. When multiple creators contribute to a single intellectual property asset, the creator share shall be divided according to a written agreement among the creators. In the absence of such an agreement, the Office of Research and Sponsored Programs (ORSP) will review documented contributions and determine an appropriate allocation.

4.3 Special Cases and Modifications
Academic units or programs that provide ongoing maintenance, updates, or technical support for commercialized intellectual property may propose an alternative profit distribution structure.

Such proposals must be submitted in writing to the Office of Research and Sponsored Programs (ORSP) and approved by the University President.

When intellectual property results from external funding, ownership and revenue distribution shall comply with the terms of the applicable grant, contract, or funding agreement. If no such terms exist, ATU's standard profit-sharing model will apply.

Funds distributed to academic units or administrative offices may be held in designated accounts to support future research, innovation, or creative activity and may carry forward across fiscal years.

4.4 Heirs and Multiple Creators
Rights assigned to creators under this policy shall transfer to their heirs or estates in the event of the creator's death, subject to any applicable contractual or legal obligations.

The Office of Research and Sponsored Programs (ORSP) shall ensure continued administration of such rights in accordance with this policy and applicable law.

When multiple creators contribute to a single intellectual property asset, they are encouraged to establish a written agreement specifying how the creator share of net profit will be divided. If no such agreement exists, ORSP will evaluate documented contributions and determine an allocation based on the relative intellectual and creative input of the parties involved.

5. Disclosure and Protection of Intellectual Property

5.1 Disclosure Requirements

Creators must promptly disclose any potentially protectable intellectual property to the Office of Research and Sponsored Programs (ORSP) using the official intellectual property disclosure form.

Disclosure is required for intellectual property that:

- arises from sponsored research or externally funded projects;
- is developed with internal university funding; or
- is created through significant use of university resources.

Disclosures should be submitted prior to any public presentation, publication, or external communication in order to preserve potential intellectual property rights and allow for timely evaluation. Failure to disclose intellectual property developed with internal funding, significant university resources, or as part of sponsored research may result in loss of intellectual property rights, ineligibility for profit sharing, or disciplinary action consistent with university policies. In cases involving sponsored research, failure to disclose may also constitute a violation of grant or contractual obligations.

5.2 Evaluation and Determination of Ownership

Upon receipt of an intellectual property disclosure, ORSP will conduct an administrative review to evaluate the disclosure and gather relevant documentation. This review may include examination of:

- the creator's Notice of Appointment or employment agreement;
- applicable funding agreements;
- documentation regarding use of university resources; and
- statements provided by the creator or other contributors.

Based on this review, ORSP will evaluate ownership in accordance with the principles outlined in Section 3 of this policy and determine whether the intellectual property is:

- university-owned;
- creator-owned; or
- jointly owned.

ORSP will notify the creator in writing of the ownership determination and the university's intent regarding protection, commercialization, or release of rights.

5.3 Protection of Intellectual Property

For intellectual property that is determined to be university-owned or jointly owned, ORSP will coordinate the process of securing appropriate legal protections. This may include:

- filing patent applications with the United States Patent and Trademark Office (USPTO);
- registering copyrights for written or creative works; and
- registering trademarks for brandable assets or products.

The university will cover the costs associated with obtaining legal protection for university-owned or jointly owned intellectual property. Such costs may be recovered from future net profit generated by the intellectual property.

If the university determines that it will not pursue protection or commercialization of disclosed intellectual property, ORSP may release ownership rights to the creator through a formal

written agreement. In such cases, the creator assumes responsibility for future protection, maintenance, and any associated liabilities.

5.4 Confidentiality and Public Disclosure

Creators are responsible for maintaining confidentiality regarding potentially protectable intellectual property until appropriate legal protections are secured. Public disclosure of intellectual property prior to protection, including conference presentations, publications, or public demonstrations, may compromise the ability to secure patent or other legal protections. When confidential information must be shared with external collaborators, contractors, or sponsors, an approved Non-Disclosure Agreement (NDA) must be executed through ORSP or the Office of General Counsel prior to disclosure.

6. Governance and Administration

6.1 Oversight Office

The Office of Research and Sponsored Programs (ORSP) is responsible for the implementation, oversight, and administration of this Intellectual Property Policy.
ORSP shall:

- receive and maintain records of intellectual property disclosures;
- conduct administrative review of disclosures and evaluate ownership in accordance with this policy;
- coordinate the protection, licensing, and commercialization of university-owned or jointly owned intellectual property;
- maintain records of intellectual property owned or managed by the university; and
- provide periodic reports on intellectual property activity to the Provost and President.

ORSP serves as the primary point of contact for matters related to intellectual property developed through internal funding, sponsored research, or significant use of university resources.

6.2 Intellectual Property Policy Advisory Board

The Intellectual Property Policy Advisory Board serves as the university's internal body responsible for reviewing appeals related to intellectual property ownership determinations or revenue distribution under this policy. The Advisory Board shall review appeals submitted by creators or other university-affiliated individuals and issue a written recommendation in accordance with the dispute resolution procedures outlined in Section 8.

The Advisory Board shall consist of representatives drawn from the following groups:

- Office of General Counsel
- Faculty Senate
- Staff Senate
- One at-large representative
- One Vice President from a university division not associated with the individual(s) bringing the appeal

The Provost shall appoint the specific individuals who serve on the Advisory Board in accordance with this structure.

Responsibilities of the Advisory Board

The Intellectual Property Policy Advisory Board shall:

- review appeals related to intellectual property ownership determinations or revenue distribution made under this policy;
- evaluate documentation associated with the appeal and any additional information provided by the involved parties;
- determine whether the administrative decision was consistent with the provisions of this policy; and
- issue a written recommendation regarding the appeal in accordance with the dispute resolution procedures described in Section 8.

The Advisory Board does not administer this policy or make initial ownership determinations.

Recusal and Integrity
Members of the Intellectual Property Policy Advisory Board must recuse themselves from the review of any appeal in which they have a personal, professional, or financial conflict of interest, or where their impartiality could reasonably be questioned. If recusal is required, the Provost may appoint a temporary replacement from the appropriate constituent group to ensure that the Advisory Board maintains appropriate representation during the review of the appeal. All members of the Advisory Board are expected to conduct their review in a fair, impartial, and confidential manner consistent with university policies and applicable laws.

6.3 Intellectual Property Policy Review Committee
The Intellectual Property Policy Review Committee is an ad hoc committee convened periodically to review the university's Intellectual Property Policy and recommend revisions.

The committee shall consist of representatives drawn from the following groups:
- one representative from each academic college;
- one representative from the Office of Research and Sponsored Programs;
- one representative from Administration and Finance;
- one representative from Faculty Senate;
- one representative from Staff Senate;
- one representative from the Graduate Student Council;
- one representative from the Student Government Association;
- one representative from Student Affairs;
- one representative from Enrollment Management;
- one representative from the Department Head Council; and
- A Dean from one of the academic colleges shall be appointed to serve as Chair of the committee.

The Provost shall appoint the specific individuals who serve on the committee in accordance with this structure. The committee shall convene at least once every three years to review the policy and recommend revisions to ensure alignment with applicable law, emerging technologies, and institutional practices.

6.3.4 Education and Training
ORSP shall develop and provide educational resources and training opportunities related to intellectual property, including guidance on:
- creator rights and responsibilities;
- disclosure procedures;
- commercialization opportunities;

- appropriate authorship and attribution practices; and
- the use of artificial intelligence tools in research and creative activity.

Educational materials and training opportunities will be made available to faculty, staff, students, and collaborators engaged in research, scholarship, or creative work involving university resources or support.

7. Conflicts of Interest

7.1 General Principles

Arkansas Tech University (ATU) is committed to maintaining transparency, integrity, and public trust in research, scholarship, creative activity, and commercialization efforts. Conflicts of interest may arise when a creator's personal, professional, or financial interests have the potential to compromise, or appear to compromise, the creator's objectivity or responsibilities to the university. All creators are responsible for identifying and disclosing potential conflicts of interest that may influence, or appear to influence, decisions related to intellectual property, research, or commercialization.

7.2 Disclosure Requirements

Creators must disclose any potential or actual conflicts of interest related to intellectual property to the Office of Research and Sponsored Programs (ORSP).

Examples of potential conflicts include, but are not limited to:

- financial interests in organizations that may license, purchase, or commercialize intellectual property developed at ATU;
- participation in startup companies, spin-off entities, or other ventures derived from university-supported intellectual property;
- consulting or advisory activities involving intellectual property created with internal funding or significant university resources; or
- involvement in externally funded projects where ownership, licensing, or commercialization terms could intersect with personal financial interests.

Disclosures must be submitted annually and updated whenever a material change in circumstances occurs.

7.3 Review and Management

Disclosures will be reviewed by the Office of Research and Sponsored Programs (ORSP) in coordination with the Office of General Counsel and other appropriate university officials when necessary. When a conflict of interest is identified, the university may implement a written conflict management plan to ensure appropriate oversight and maintain the integrity of research and commercialization activities.

Management plans may include measures designed to:

- clarify the creator's roles and responsibilities;
- protect the objectivity of student learning and research activities;
- ensure compliance with applicable laws, funding agreements, and institutional policies; and
- mitigate or eliminate the identified conflict.

7.4 Use of University Resources

University resources, including facilities, equipment, personnel, data, and institutional branding, may not be used for personal gain or for commercial activities unrelated to approved university work unless authorized through formal written agreements and oversight by ORSP.

The use of internal funding, laboratories, or other university resources to support private consulting or personal commercial ventures is prohibited unless prior approval has been granted in accordance with university policy.

8. Dispute Resolution

8.1 Appeal of Administrative Determination

A creator or other university-affiliated individual who disagrees with an intellectual property ownership determination or revenue distribution decision made under this policy may initiate a formal appeal. Appeals must be submitted in writing to the Office of Research and Sponsored Programs (ORSP) within thirty (30) business days of receiving the administrative determination. The appeal must clearly identify the basis for the request for review and include any relevant supporting documentation.

8.2 Review by the Intellectual Property Policy Advisory Board

Upon receipt of a valid appeal, ORSP will forward the documentation to the Intellectual Property Policy Advisory Board for review.

The Advisory Board will:

- review the documentation associated with the appeal;
- consider any additional written statements submitted by the involved parties; and
- evaluate whether the administrative determination was consistent with the provisions of this policy.

Following its review, the Advisory Board will issue a written recommendation regarding the appeal. The recommendation will be provided to the Provost, who will issue the final institutional decision regarding the appeal.

8.3 External Mediation

If the parties involved do not accept the final institutional decision issued following the Advisory Board review, the parties must engage in external mediation before pursuing legal action. The mediation will be conducted through a mutually agreed upon third-party mediator with experience in intellectual property or higher education disputes. At the outset of mediation, the parties will negotiate and document in the mediation agreement the cost of mediation and the proportion to be paid by each party. Both parties are expected to participate in the mediation process in good faith in an effort to reach a mutually acceptable resolution.

8.4 Legal Action

If mediation does not result in a resolution, the parties retain the right to pursue legal action in accordance with applicable laws and jurisdictional requirements. The university's Office of General Counsel will coordinate legal representation for the institution in matters involving intellectual property disputes.

8.4 Non-Retaliation

Arkansas Tech University prohibits retaliation against any individual who, in good faith, raises concerns, submits an appeal, or participates in the dispute resolution process described

in this policy. Retaliation includes any adverse action taken against an individual for reporting concerns, providing information, or participating in a review or appeal related to intellectual property matters. Any allegation of retaliation will be reviewed in accordance with applicable university policies and may result in disciplinary action if a violation is confirmed.

9. Policy Review and Amendments

9.1 Scheduled Review
This Intellectual Property Policy shall be reviewed at least once every three years by the Intellectual Property Policy Review Committee.

The committee will evaluate the policy to ensure continued alignment with:

- applicable federal and state intellectual property laws;
- evolving technologies, including artificial intelligence and digital content creation;
- sponsored research requirements and commercialization practices; and
- institutional priorities related to research, scholarship, and creative activity.

Following its review, the committee may recommend revisions to the policy for consideration by university leadership.

9.2 Interim Updates
The Office of Research and Sponsored Programs (ORSP) may propose interim updates to this policy when necessary to address:

- changes in federal or state intellectual property laws or regulations;
- emerging technologies or new forms of intellectual property;
- revisions required by sponsored research agreements or funding agencies; or
- institutional restructuring or operational needs.

Proposed updates shall be reviewed by the Intellectual Property Policy Review Committee and forwarded to the Provost and President for consideration. Substantive policy changes must be approved through the university's established governance and approval processes.

9.3 Notification and Implementation
Approved revisions to this policy will be communicated to the university community through official university channels and published on the university's policy website. The Office of Research and Sponsored Programs (ORSP) will update related guidance materials and training resources to ensure that faculty, staff, students, and collaborators remain informed of their rights and responsibilities under this policy.

*approved by ATU Board of Trustees October 15, 2026

Faculty Development Grants

Each year the University allocates funds for faculty development activities in each college budgets. These funds are coordinated through the various academic units. Applications for faculty development grants should include information on how the proposal correlates to institutional goals, priorities, and constituencies. Some of the items eligible for funding include (but are not limited to):

- Travel to professional conferences for the purpose of making a presentation or serving in a significant official capacity.
- Travel to professional conferences for the purpose of updating discipline-specific knowledge or other similar activity.

Applications, along with supporting documentation, should be submitted by the faculty member to his or her department head for initial review. The department head reviews the proposal and forwards the request, along with the recommendation, to the dean. The dean convenes the College Faculty Development Grant Committee to evaluate all proposals and make a recommendation to the dean. The dean informs the department head of the decision.

More detailed guidelines describing the Faculty Development Grant request procedure as well as the evaluation criteria and grant limitations are available in college/departmental offices.

Student Interdisciplinary Research Grant

Arkansas Tech University awards up to three Student Interdisciplinary Research Grants to enhance efforts among departments and students for professional growth and development. These grants support faculty and student initiatives across all disciplines. Please see the link at http://research.atu.edu and click on "Student Interdisciplinary Research Grants."

Professional Development Grants

The University has established a fund to provide additional faculty development opportunities beyond those provided by the colleges. The Professional Development Grant funds are administered by the Professional Development Committee. Please see the link at http://research.atu.edu and click on "Professional Development."

Professional Societies

The University supports membership in professional organizations. Each college is allocated funds to pay for transportation, lodging, meals, and registration fees of faculty members to attend national, state, and regional professional meetings. College Deans are responsible for the authorization of travel allocated to their college.

Undergraduate Research

To promote collaborative faculty and student research activities, the University has established the Undergraduate Research fund. Please see additional information at http://research.atu.edu and click on "Undergraduate Research".

Leave

The sabbatical assignment, leave with pay, or leave without pay are benefits available to faculty members.

1. A faculty member granted a sabbatical assignment, leave with pay, or leave without pay must be given a written statement, signed by the proper administrators, specifying whether or not Arkansas Tech University is committed to employ the faculty member at the end of the leave period.

2. A faculty member returning to the University from a sabbatical assignment, leave with pay, or leave without pay will be given the same consideration for a salary raise, promotion, or tenure that he/she would receive if not on leave.

3. A faculty member's fringe benefits will continue while he/she is on sabbatical assignment, leave with pay, or leave without pay.

4. Recipients of sabbatical assignment or leave with pay are obligated to return to their duties at the University for at least one academic year or refund sabbatical or leave pay to the University, unless mutual agreement is reached otherwise.

5. Recipients of sabbatical assignments or leave with pay are under contract to the University and may not accept any other employment, unless prior written approval has been granted by the University.

5. Recipients of leave with pay and sabbatical assignments will be required to submit a final report of activities within the first semester upon their return to the respective Department Head and the Executive Vice President for Academic Affairs and Provost.

A. Sabbatical Assignment

The sabbatical assignment is a benefit available to outstanding, tenured professors at Arkansas Tech University, to support their ability to engage in research, scholarship, artistic and creative pursuits. The purpose of the sabbatical assignment is to promote professional growth of faculty members, better teaching, and the overall intellectual environment of the University. Sabbatical assignments are not for the purpose of obtaining additional course work or a terminal degree.

1. Sabbatical assignments may be awarded for:

   a. the fall semester, the spring semester, the summer term, or any combination thereof, not to exceed one academic year;

   b. with full pay, if supporting documentation warrants it, not to exceed one academic year;

   c. with partial pay, not to exceed one academic year.

2. Any tenured faculty member employed by the University for a period of six years or more will be eligible for a sabbatical assignment.

3. Any faculty member on sabbatical assignment will be paid at the agreed upon rate regardless of paid income from other sources.

4. A faculty member who receives a sabbatical assignment shall be given the same consideration for salary raise and promotion which he/she would receive if not on assignment.

5. The Faculty Salary and Benefits Committee is the Sabbatical Committee.

6. Sabbatical assignment will be awarded according to merit, on a university-wide competitive basis. Faculty members requesting sabbatical assignments must follow a formal application process.

Each faculty member will:

a. Submit a plan of the proposed activities and a salary request, along with a rationale for the salary request, to the Department Head and the Dean of the College for approval.

b. Submit a detailed proposal to the Faculty Salary and Benefits Committee which shall include:
   (1) supporting letters from the Department Head and the Dean of the College;
   (2) an abstract of the proposal activities;
   (3) a rationale for the requested salary level, including a budget;
   (4) a detailed plan, including a time table, of the sabbatical activities;
   (5) a plan for dissemination.

c. The Faculty Salary and Benefits Committee will consider proposals submitted by September 15. Proposals may be considered up to one year in advance.

d. The Faculty Salary and Benefits Committee will meet within seven days after the deadline, consider all proposals and recommend the most meritorious proposal(s) to the Executive Vice President for Academic Affairs and to the President of the University for approval.

7. Specific instructions on making application for sabbatical leave are available on the ATU website at http://research.atu.edu. Click on the sabbaticals link.

B. Sabbatical Replacement Cost Fund

In order to support the professional development of faculty on sabbatical assignment, Arkansas Tech University should maintain a sabbatical replacement cost fund.

1. The sabbatical replacement cost fund should cover the costs incurred by a department replacing a faculty member on sabbatical assignment.

2. The sabbatical replacement cost fund shall be part of the budget of the Executive Vice President for Academic Affairs and Provost.

3. The sabbatical replacement cost fund should be maintained at one full-time faculty position per year.

C. Leave with Pay

Leave with pay is a benefit available to tenured and untenured faculty members to assist them in obtaining additional training, advanced course work, a terminal degree, scholarship and research.

1. Leave of absence with pay may be granted to faculty members who have a minimum of three years of service to the University.

2. Generally, remunerations will be one-half pay for one semester or one-fourth pay for two semesters.

3. Exceptions may be made in minimum years of service and rate of remuneration when leave is taken at the request of the University. An example would be a leave of absence granted for advanced study as agreed to during the hiring process.

4. A faculty member applying for leave with pay should submit a plan of the proposed activities to be undertaken during the leave for approval to his/her Department Head, the Dean of the College, the Executive Vice President for Academic Affairs and Provost, and the President of the University.

D. Leave without Pay

All faculty members, tenured or untenured, are eligible for a leave of absence without pay. Requests for leave without pay should follow the same procedure as requests for leave with pay.

As an aid in the professional growth of the faculty, the Board of Trustees has authorized the annual award of a limited number of faculty fellowships for summer study and for other faculty development activities, as recommended by appropriate academic administrators, that would enhance the effectiveness of the faculty member. Generally, the amount for each fellowship will be equivalent to the salary which the grantee would have received for teaching one summer term. The fellowship award becomes an integral part of the faculty member's contractual agreement with the University.

Applications are to be submitted in letter form by February 1 through the Department Head and Dean of the College to the Executive Vice President for Academic Affairs and Provost. The application is expected to outline the applicant's summer plans and, in instances where the activity is other than summer study, should include a statement of how such activity is expected to benefit the University and enhance the requester's effectiveness as a faculty member. Applications for summer study should include the institution to be attended, the dates of enrollment, nature of the projected summer courses or other studies, and the relationship of this study to the applicant's teaching and graduate program. The Department Head and College Dean, in their endorsements, will submit their recommendations and add any pertinent information, including the effect upon staffing the University's summer session.

The Executive Vice President for Academic Affairs and Provost will submit applications to the Faculty Salary and Benefits Committee for its recommendations and endorsements prior to making final recommendations to the President. The President will submit his/her nominations, with the appropriate amount of each grant, to the Board of Trustees for final approval.

On-Campus Study

Faculty members may enroll for credit or for audit, at no cost, in undergraduate and graduate courses. Procedures for utilizing this aid for on-campus study are listed in the "Faculty Benefits and Privileges" section of this handbook. A faculty member may participate in the learning activities of classes offered through class visitation, upon approval of the class instructor.

Other Opportunities for Professional Growth and Development

Requests of funding for developmental activities not listed in this section and for activities requiring support in excess of that available through departmental budgets should be made in consultation with the Department Head/Dean to determine the appropriate method of application.

FACULTY RECOGNITION

Faculty Excellence Awards

The Faculty Excellence Awards were established in spring, 1996, by the Arkansas Tech University Board of Trustees as part of an effort to continually promote and recognize distinguished service. Full-time faculty, who are tenured and hold the rank of either associate professor, professor or distinguished professor are nominated by their peers for awards in the areas of teaching, scholarly activity, and service. The nominees are given the opportunity to submit portfolios for review by an Excellence Award Committee; after evaluation of the portfolios submitted, the committee selects a faculty member to be recognized for each category. The recipients are awarded a stipend and a plaque in recognition of their accomplishments during the spring commencement ceremonies. The Excellence Award Committee is composed of seven faculty members: three faculty selected by the Executive Vice President for Academic Affairs and Provost who traditionally selects the previous year's three recipients of the excellence awards (the recipient of the teaching award serves as chair); three faculty selected by the Faculty Senate chair; and the Chair of the Faculty Senate.

Publication of Scholarly Works

During spring, 2004, the Deans Council voted to recognize the scholarly accomplishments of faculty by publishing these activities once each calendar year. Faculty are asked to submit information concerning certain scholarly works each fall semester to their department heads and deans. The information is sent to Academic Affairs by mid-December for compilation and publication each spring semester. Scholarly activities to be recognized generally include the following: publications; presentations at a professional meeting; artistic compositions, performances and exhibitions; grants and other sponsored projects; professional awards and recognition; and faculty excellence awards.

Appendix A

PORTFOLIO PREPARATION

IT IS THE PRIMARY RESPONSIBILITY OF EACH FACULTY MEMBER TO ENSURE THAT ADEQUATE RECORDS ARE ESTABLISHED, COLLECTED, MAINTAINED, AND FORWARDED FOR DECISIONS ON REAPPOINTMENT, PROMOTION, AND TENURE.

The following suggestions are general guidelines for the preparation of a portfolio for annual evaluation, mid-term review, and applications relating to tenure and/or promotion. Faculty are expected to also incorporate departmental guidelines in the development of their portfolios.

General Guidelines

All portfolios will be developed and maintained electronically using the latest Adobe Pro software supported by Arkansas Tech University. The purpose of the portfolio is to provide evidence of effective teaching, scholarship, and service, as applicable. To facilitate an efficient evaluation system portfolio will fall into one of two tracks; one track for non-tenured or those seeking promotion and a second track for tenured professors and those not seeking promotion.

Portfolio Guidelines for Tenure-Track or Faculty Seeking Promotion

Portfolios should consist of one electronic file containing two folders indexed with tabs (for easy navigation). The first folder will contain a concise summary of the faculty members' work. The second folder will contain the supporting documents.

1. Summary Folder Contents

A. Memo: Identifying the faculty member's request (annual evaluation, mid-term review, tenure, and/or promotion)

B. Vita: Current and comprehensive vita detailing teaching, scholarship, and service efforts

C. Argument: Narrative, not to exceed ten pages, summarizing the work done by the faculty member that supports their request

2. Supporting Documents Folder Contents

(Faculty should determine what evidence best supports their argument - the following are offered as **examples** of evidence that might be provided. Please see the Portfolios, Workload and Weighted Evaluations section of the *Faculty Evaluation, Promotion and Tenure Policies and Procedures* for a more complete listing of materials that could be included. All materials should be in reverse chronological order by section.)

When applying for tenure and/or promotion include annual and mid-term evaluations.

A. Evidence of Effective Teaching
   1. Student evaluation summaries
   2. Student learning assessment results
   3. Teaching modifications
   4. Awards and recognition
   5. Examples of course materials
B. Evidence of Scholarship
   1. Publications
   2. Presentations
   3. Creative activities
   4. Editorial service for academic journals
   5. Program review for conferences
C. Evidence of Service
   1. Service to the profession
   2. Service to the community
   3. Service to the university
   4. Service to the college
   5. Service to the department

Portfolio Guidelines for Tenured Professors or Tenured Faculty Not Seeking Promotion

Portfolios should consist of an electronic file containing one folder indexed with tabs (for easy navigation).

1. Folder Contents

A. Memo: Identifying the faculty member's request for annual review
B. Vita: Current and comprehensive vita detailing teaching, scholarship, and service efforts
C. Summaries of student teaching evaluations

Any change in digital format standards for portfolio submission will be established by the Office of the Executive Vice President for Academic Affairs and Provost and will be conveyed to faculty in a timely manner.

Appendix B

PROCEDURES AND GUIDELINES FOR ANNUAL PEER REVIEW

The Concept of Annual Peer Review

1. Purpose. The primary purpose of peer review is to assist faculty members in improving their teaching, scholarship, and service effectiveness.

2. Historical perspective. The peer review process features collegial determinations by persons who, on the basis of their own achievements, have the competence to make such judgments. Senior faculty who are knowledgeable in the instructor's field and experienced in the classroom are generally qualified judges of teaching, scholarship, and service effectiveness. [David A. Dilts, Lawrence J. Haber, Donna Bialik, An Introduction to Academic Performance Appraisal in Higher Education. (Greenwood, 1994).]

3. Supervisory responsibilities. Since the primary role of the peer review is to improve a faculty member's teaching, scholarship, and service effectiveness, peer review does not include supervisory or managerial responsibilities over individuals being reviewed.

(c) Duties. The DPTC will review the portfolios of each faculty member and will provide to the departmental head written comments regarding the teaching, scholarship, and service effectiveness of each faculty member and suggestions for improvement. The committee will meet with each faculty member.

(d) Comments. The DPTC shall prepare written comments on each full-time faculty member. The comments will be added to the faculty member's portfolio. The comments should include the below listed criteria on the teaching, scholarship, and service effectiveness of the faculty member:

1. the pertinent data and an assessment of the data,
2. an overall assessment of the faculty member's teaching, scholarship, and service effectiveness, and
3. any suggestions to improve the faculty member's teaching, scholarship, and service effectiveness.

(e) Classroom visitation. Peer review classroom visitations must be scheduled at least three working days in advance of a visit.

Arkansas Tech University evaluates faculty performance in alignment with institutional policy, shared governance, and Arkansas ACCESS Act (2025). In the case of post-tenure review,

evaluation results may support recommendations for remediation, changes in tenure status (Maintained, Conditionally Maintained, or Revoked), or other appropriate action. Faculty have the right to respond to evaluations and appeal any adverse outcomes through university procedures.

Faculty performance is assessed in relation to assigned duties and over a sustained period. Evaluators are responsible for ensuring that reviews are well-documented, that expectations are consistent with the faculty member's workload, and that conclusions are supported by evidence. Occasional or context-specific performance concerns do not, on their own, justify remediation or a change in tenure status. Patterns of unsatisfactory performance must be documented and reviewed as part of the broader evaluation process. *Approved by ATU Board October 16, 2025

Appendix C

SAMPLE

PEER REVIEW of Dr. James B. Goodfile

Date

The Peer Review Committee for the Department of Behavioral Sciences has reviewed the portfolio of Dr. James B. Goodfile for the calendar year _____. The comments below are submitted.

1. Pertinent data and an assessment of the data.

Dr. Goodfile's portfolio contains representative samples of his course syllabi, final examinations, class handouts, and student evaluations. In addition, the committee met with Dr. Goodfile and discussed the contents of his portfolio with him. Dr. Goodfile has been at TECH for four years. His average teaching load is 12 credit hours per semester. He has averaged two new teaching preparations each semester.

The student reviews indicated that the students have a high opinion of Dr. Goodfile's teaching effectiveness. The student evaluations indicate no significant areas of concern that need to be improved. It is noted that his student evaluation scores have improved in the last three semesters. It is also noted that in his first two semesters at Tech, several students commented on their lack of understanding of the course assignments. Apparently, he has taken steps to alleviate this perceived problem since the comments have not been repeated in the last six semesters. His examinations are keyed to the objectives of the course, are prepared with care and forethought, and are sufficiently objective, reliable, and numerous in terms of numbers of items and content sampling to provide the basis for fair and valid grading. Dr. Goodfile's texts and materials are current, appropriate and well-integrated with his lectures. His course syllabi, however, tend to be brief and without much explanation regarding the course goals, expectations, and course requirements. Dr. Goodfile has developed a new course in victimology. The course appears to be particularly well developed, comprehensive, and well organized (see the sample material contained in his portfolio).

2. An overall assessment of the faculty member's teaching effectiveness.

Dr. Goodfile appears to be extremely meticulous and conscientious in his teaching duties. His instructional procedures appear to be based on a thorough, systematic, and complete set of behavioral objectives.

3. Suggestions to improve faculty member's teaching effectiveness.

The course syllabi indicates that on the first day of class, Dr. Goodfile provides an orientation of the course requirements, goals, and expectations. In view of the fact that some students are not present the first day because of absence or late registrations, it is recommended that Dr. Goodfile include a more detailed explanation of his requirements, goals, and expectations in his syllabi.

Peer Review Committee Members:
Dr. Jerry Forever
Dr. Jane Senior
Dr. Harry Barr
Dr. Mary Teacher

Appendix D

SAMPLE ANNUAL EVALUATION GUIDELINES
(The following is meant only as an example. DPTCs in consultation with department heads and deans, will set rating guidelines for each department.)

Departmental Guidelines for Faculty Annual Evaluations
Department of _____
Calendar Year _____
Evaluation Period_____

The following are general guidelines to help clarify departmental expectations for annual faculty evaluations for the _____ evaluation period. They do not constitute a complete list of criteria considered by department heads in annual evaluations.

Teaching
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Above average student evaluations; evidence of success in improving course content and delivery; leadership in teaching innovation and initiative; evidence of success in improving course content and delivery; leadership in teaching innovation and initiative

Scholarship
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Long form or multiple short form published and/or distributed peer reviewed work (ex. book)

Service
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Leadership roles and/or committee work in all categories: university, college, department, professional

Arkansas Tech University evaluates faculty performance in alignment with institutional policy, shared governance, and Arkansas ACCESS Act (2025). In the case of post-tenure review, evaluation results may support recommendations for remediation, changes in tenure status (Maintained, Conditionally Maintained, or Revoked), or other appropriate action. Faculty have the right to respond to evaluations and appeal any adverse outcomes through university procedures.

Faculty performance is assessed in relation to assigned duties and over a sustained period. Evaluators are responsible for ensuring that reviews are well-documented, that expectations are

consistent with the faculty member's workload, and that conclusions are supported by evidence. Occasional or context-specific performance concerns do not, on their own, justify remediation or a change in tenure status. Patterns of unsatisfactory performance must be documented and reviewed as part of the broader evaluation process. *Approved by ATU Board October 16, 2025

Appendix E

SAMPLE

DEPARTMENT HEAD ANNUAL EVALUATION OF FACULTY
Department_____
Calendar Year_____
Evaluation Period_____

Dr. X, Assistant Professor of Y

Teaching (Weight: 80%) *Summary Statement:* Dr. X's student evaluations . . . .
Rating: (*Excellent*)

Scholarship (Weight: 10%) *Summary Statement:* Dr. X published . . . .
Rating: (*Good*)

Service (Weight: 10%) *Summary Statement:* Dr. X served . . . .
Rating: (*Satisfactory*)

COMMENTS AND SUMMARY
Dr. X is a valuable member of the department. . . .
This evaluation and a copy were provided to Dr. X and reviewed by him.

Dr. X Signature_____Date_____
Department Head Signature_____Date_____

Arkansas Tech University evaluates faculty performance in alignment with institutional policy, shared governance, and Arkansas ACCESS Act (2025). In the case of post-tenure review, evaluation results may support recommendations for remediation, changes in tenure status (Maintained, Conditionally Maintained, or Revoked), or other appropriate action. Faculty have the right to respond to evaluations and appeal any adverse outcomes through university procedures.

Faculty performance is assessed in relation to assigned duties and over a sustained period. Evaluators are responsible for ensuring that reviews are well-documented, that expectations are consistent with the faculty member's workload, and that conclusions are supported by evidence. Occasional or context-specific performance concerns do not, on their own, justify remediation or a change in tenure status. Patterns of unsatisfactory performance must be documented and reviewed as part of the broader evaluation process. *Approved by ATU Board October 16, 2025

Appendix F

SAMPLE
Department Head and Dean Mid-term Review Letter

Date

The _____ Department has completed its mid-term tenure and promotion review for Dr. X. Dr. X's portfolio suggests that he is making progress toward achieving both tenure and promotion. Dr. X's teaching evaluations are generally good and occasionally excellent. His student evaluation averages are typically near both departmental and college averages. He is a dedicated teacher and carries an overload every semester. Several students have complained about starting class late and missing office hours. Dr. X will need to show improvement in meeting at scheduled class times and office hours. Dr. X has also provided significant service to the department and the community. His work with departmental assessment is especially noteworthy. Dr. X has not yet served on a university committee or provided any service to his profession. Dr. X needs to pursue a university committee assignment and become active in a professional organization. Dr. X has yet to reach his potential in terms of scholarship. Publication opportunities in the next few years should greatly improve his resume. Dr. X is a valuable and well-respected member of the department.

Sincerely,

Evaluator Name

Appendix G

SAMPLE ANNUAL EVALUATION OF DEPARTMENT HEADS

(The following is meant only as an example. DPTCs in consultation with department heads and deans will set rating guidelines for each department for teaching, scholarship, and service. Immediate supervisors will set rating guidelines for administration.)

Guidelines for Annual Evaluation of Administrators with Academic Rank
College of _____
Calendar Year_____
Evaluation Period_____

The following are general guidelines to help clarify expectations for annual evaluations of administrators with academic rank for the _____ evaluation period. They do not constitute a complete list of criteria used in annual evaluations.

Teaching
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Above average student evaluations; evidence of success in improving course content and delivery; leadership in teaching innovation and initiative

Scholarship
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Long form or multiple short form published and/or distributed peer reviewed work (ex. book)

Service
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*) . . . .
Rating: (*Excellent*) Leadership roles and/or committee work in all categories: university, college, department, professional

Administrative Duties

Leadership
Rating: (Unacceptable) . . . .
Rating: (Needs Improvement) . . . .
Rating: (Satisfactory) . . . .
Rating: (*Good*)

Rating: 5 (*Excellent*) Unusual display of leadership

Administration

Rating: (Unacceptable)

Rating: (Needs Improvement) . . . .

Rating: (Satisfactory) . . . .

Rating: (*Good*) Administration Survey questions 6-11 average of at least 4.0

Rating: (*Excellent*) Significant improvements in department policies or procedures

Faculty and Program Development

Rating: (Unacceptable) . . . .

Rating: (Needs Improvement) . . . .

Rating: (Satisfactory) . . . .

Rating: (*Good*) . . . .

Rating: (*Excellent*) Administration Survey questions 12-14 average above university average and among highest in the college; significant improvements made in multiple areas (ex. Budget, Personnel, Assessment, Curriculum, Physical Facilities, Online Facilities, Student Relations, Community Outreach)

Communication

Rating: (Unacceptable) . . . .

Rating: (Needs Improvement) . . . .

Rating: (Satisfactory) . . . .

Rating: (*Good*) Administration Survey questions 15-18 average of at least 4.0

Rating: 5 (*Excellent*) No complaints from faculty involving communication; effectively communicated standards for annual evaluation and tenure and promotion

II
RELATION OF THE FACULTY MEMBER TO THE UNIVERSITY

B. EQUAL EMPLOYMENT OPPORTUNITY AND TITLE IX

Arkansas Tech University will provide equal opportunity in employment to all persons. This applies to all phases of the personnel process, including recruitment, hiring, placement, promotion, demotion, separation, transfer, training, compensation, discipline, and all other employment terms, conditions, and benefits. Arkansas Tech University prohibits discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Arkansas Tech University will provide this notice and a copy of this policy to all applicants for employment. All faculty and staff will be notified annually of the policy. Further, Arkansas Tech University will consider through a designated grievance procedure, the complaints of any person who feels that he or she has been discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Responsibility for implementation and compliance with this policy has been delegated to the Director of Human Resources and Equal Opportunity officer, Ms. Kathleen Martin who can be reached by emailing kmartin51@atu.edu or by calling 479-968-0396.

Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures [Based on the ATIXA 2023 One Policy, Two Procedures Model. ©2023 ATIXA. Used with Permission]

The following Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (herein after "Policy") were adopted by Arkansas Tech University (herein after "ATU") following the release of new Title IX regulations by the U.S. Department of Education. Officially published on May 19, 2020, the new Title IX regulations are effective and enforceable on August 14, 2020. This Policy was reviewed and updated in August 2024.

This Policy will be effective on August 14, 2020, and it replaces the existing Sexual Harassment Policy, the Sexual Misconduct Policy and Procedures, and the Non-Discrimination Policy.

Complaints received prior to August 14, 2020, will follow the appropriate ATU policy published for the 2019-2020 academic year. All complaints received on or after August 14, 2020, will follow the policy and procedures outlined in this document.

1. Glossary

A complete glossary defining key terms used throughout this Policy is located in Appendix A. To ensure accurate interpretation of this Policy, please refer to Appendix A and review the meaning of key terms.

2. Rationale for Policy

ATU is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity. ATU values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved. To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, ATU has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

The Title IX Office supports the Arkansas Tech University mission of student success, access, and excellence by cultivating a responsive campus community through education of federal laws and approaches to identify, prevent, and report discrimination, sexual misconduct, and retaliation. Title IX staff strive to conduct fair and equitable inquiries and investigations and implement stop, prevent, and remedy measures, including connecting those affected with campus and community resources. Arkansas Tech University is committed to fostering a safe and caring environment free from sexual and gender-based discrimination where students, faculty, and staff have the opportunity to succeed in their educational and professional pursuits.

3. Applicable Scope

The purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged policy violation is reported, the allegations are subject to resolution using ATU's

"Process A" or "Process B" as determined by the Title IX Coordinator or the EEO Officer as described below.

When the Respondent is a member of the ATU community, a Formal Complaint may be filled and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the ATU community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

ATU recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other ATU policies; may involve various combinations of students, employees, and other members of the ATU community; and may require the simultaneous attention of multiple ATU departments. Accordingly, all ATU departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable ATU policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

4. Title IX Coordinator, ADA/504 Coordinator, Equal Opportunity Officer/Title VI Coordinator

Multiple individuals work together to coordinate ATU's efforts related to intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy. All parties will be provided with access to a comprehensive electronic brochure detailing options and resources, which Title IX Coordinator, the ADA/504 Coordinator, or the EEO Officer may also review with the parties in person. These staff persons work together to resolve issues related to discrimination, harassment, and/or retaliation. Throughout the Policy, the Title IX Coordinator and EEO Officer positions may be used interchangeably or their duties may be assumed by a designee.

- Stacy Galbo serves as the Title IX Coordinator and oversees sex-based discrimination compliance.
- Hunter Bramlitt serves as the ADA/504 Coordinator and oversees disability compliance for students.
- Kathleen Martin serves as the Equal Employment Opportunity Officer (EEO) and Title VI Coordinator and oversees protected class discrimination, disability compliance for employees, and ATU's Equal Employment Opportunity plan.

5. Independence and Conflict-of-Interest

Stacy Galbo, Title IX Coordinator, manages the Title IX team and acts with independence and authority free from bias and conflicts of interest. As the Title IX Coordinator, Stacy Galbo oversees gender-based discrimination resolutions under this Policy. The members of the Title IX staff are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator/Title VI Coordinator (hereafter "EEO Officer), acts with independence and authority free from bias and conflicts of interest. As the EEO Officer, Kathleen Martin oversees protected class discrimination resolutions under this Policy, specifically those in Process B.

In cases involving an alleged serious violation by a student respondent, no individual will carry out more than one (1) of the following roles with respect to the disciplinary proceeding: advisor, investigator, adjudicator, or appellate adjudicator.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, Stacy Galbo, or the EEO Officer, Kathleen Martin, should be reported to Dr. Russell Jones, ATU President, or designee. Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other Title IX Team member should be reported to Stacy Galbo, Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made to the following employees, which triggers the obligation for ATU to respond:

Stacy Galbo
Title IX Coordinator
Student Affairs
[Focus-Gender discrimination,
including sexual misconduct]
Doc Bryan Student Service Center,
Suite 233
Russellville, AR 72801
479-964-0583 ext. 4714
sgalbo2@atu.edu

Kathleen Martin
Director of Human Resources and EEO Officer/Deputy
Title IX Coordinator
Human Resources
[Focus-All types of protected class discrimination]
Brown Building, Suite 420
Russellville, AR 72801
479-968-0396
kmartin51@atu.edu

Sandra Patterson
HR Officer/Deputy Title IX Coordinator
Human Resources
[Focus-All types of protected
class discrimination]
Technology and Academic

Support Building, Room 154
Ozark, AR 72949
479-667-2117 ext. 6536
spatterson8@atu.edu

Ashlee Leavell
Assistant Dean for Student Wellness and
Deputy Title IX Coordinator
Student Affairs
[Focus-Discrimination based upon
pregnancy]
Disability and Testing Services
Doc Bryan Student Services Center, Suite 141
Russellville, AR 72801
479-968-0302
sleavell8@atu.edu

In addition to the Title IX Team members listed above, the following Officials with Authority listed below may also accept notice or complaints on behalf of ATU:

Hunter Bramlitt
Associate Dean for Student Wellness
and ADA/504 Coordinator
[Focus-Discrimination and/or
harassment based upon disability]
Health and Wellness Center
Doc Bryan Student
Services Center, Suite 119
Russellville, AR 72801
479-968-0329
jbramlitt@atu.edu

Will Cooper
Associate Dean for Student Conduct
Student Conduct
Doc Bryan Student
Services Center, Suite 233
Russellville, AR 72801
479-968-0334
wcooper@atu.edu

William Titsworth
Assistant Dean for Student
Conduct/Lead Investigator Student
Conduct and Title IX Office

Doc Bryan Student Services
Center, Suite 233
Russellville, AR 72801
479-498-6083
wtitsworth@atu.edu

Tammy Dougan
Interim Chief of Public Safety
Public Safety
716 North El Paso Avenue
Russellville, AR 72801
479-968-0222
tdougan@atu.edu

ATU has also classified many employees as Responsible Employees. These employees are mandated to share any report or knowledge they have that a member of the ATU community is experiencing harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or EEO Officer. The section titled "Responsible Employees" details which employees have this responsibility and their duties.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-
1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

For discrimination complaints by employees:
Equal Employment
Opportunity Commission
(EEOC) 1-800-669-4000
https://www.eeoc.gov/
Little Rock Area Office
820 Louisiana Street, Suite 200
Little Rock, AR 72201 Phone: 1-800-669-4000
Facsimile: 501-324-5991
TDD#: 1-800-669-6820

7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, the EEO Officer, or any of the ATU administrators listed directly above. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator, or the EEO Officer, or any other official listed above.
2. Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator or the EEO Officer will contact the Complainant to ensure that it is filed correctly.

8. Supportive Measures

ATU will offer and implement appropriate and reasonable supportive measures to the parties upon receiving notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, and as reasonably available. They are offered without fee or charge to the parties, to restore or preserve access to ATU's education program or activity, including measures designed to protect the safety of all parties and/or ATU's educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or the EEO Officer promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, ATU will inform the Complainant, in writing, that they may file a Formal Complaint with ATU either at that time or in the future, if they have not done so already. The Title IX Coordinator or the EEO Officer works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

ATU will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair ATU's ability to provide these supportive measures.

ATU will strive for as minimal an academic/occupational impact on the parties as possible. ATU will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directives) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Campus ban letters
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or the EEO Officer

Violations of no contact directives or other restrictions may be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal

ATU can act to remove a Respondent entirely or partially from its education program or activities – partially or entirely – on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and/or the EEO Officer in conjunction with the CARE Team, the campus behavioral intervention team, using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with Stacy Galbo, Title IX Coordinator, or Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator, prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 24-hours of the issuance of the notice, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or the EEO Officer determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator or the EEO Officer for the show cause meeting. The Respondent will

be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or the EEO Officer has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline within the student or employee conduct process, which may include expulsion or termination.

ATU will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or the EEO Officer these actions could include, but are not limited to:

- removing a student from a residence hall,
- temporarily reassigning an employee,
- restricting a student's or employee's access to or use of facilities or equipment,
- allowing a student to withdraw or take grades of incomplete without financial penalty,
- authorizing an administrative leave, or;
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator or the EEO Officer, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

10. Promptness

All allegations are acted upon promptly by ATU once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but ATU will avoid undue delays within its control.

Any time the general timeframes for resolution outlined in ATU procedures will be delayed, ATU will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Confidentiality/Privacy

Every effort is made by ATU to preserve the confidentiality of reports[1]. Unless required by law or this Policy, ATU will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act or its implementing regulations (FERPA), (20 U.S.C. 1232g and FERPA regulations, 34 C.F.R. § 99); or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

ATU reserves the right to determine which ATU officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including, but is not limited to: Human Resources, Division of Student Affairs, ATU Department of Public Safety, and the CARE Team. Information will be shared as necessary with Investigators, Decision-Makers, witnesses, and the parties. The circle of people with this knowledge will be limited as much as possible to preserve the parties' rights and privacy.

ATU may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically later in this Policy.

12. Jurisdiction of ATU

This Policy, and the procedures in Process A, apply to the education program and activities of ATU. Specifically, they apply to conduct that takes place on the campus or on property owned or controlled by ATU, at ATU- sponsored events, or in buildings owned or controlled by ATU's recognized student organizations. The Respondent must be a member of ATU's community in order for ATU's policies to apply.

This Policy, and the procedures in Process A and Process B, can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to ATU's education program or activities. ATU may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator or EEO Officer determines that the conduct affects a substantial ATU interest.

[1] For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of ATU employees who "need to know" in order to assist in *the assessment, investigation, and resolution of the complaint. All employees who are involved in ATU's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in ATU's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies.* ***Confidentiality*** *exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. ATU has designated individuals who have the ability to have privileged communications as Confidential Resources. More information about Confidential Resources, can be found in this Policy. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.*

Regardless of where the conduct occurred, ATU will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial ATU interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the educational interests or mission of ATU.

If the Respondent is unknown or is not a member of the ATU community, the Title IX Coordinator or the EEO Officer will assist the Complainant in identifying appropriate campus and local resources and supportive options. If criminal conduct is alleged, ATU can assist in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of ATU's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator or the EEO Officer.

In addition, ATU may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from ATU property and/or events.

All vendors serving ATU through third-party contracts are subject to the policies and procedures of their employers and to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or the EEO Officer can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action through that institution's policies.

Similarly, the Title IX Coordinator or the EEO Officer may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to ATU where harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. Time Limits on Reporting

There is no time limitation on providing notice or submitting a Formal Complaint to the Title IX Coordinator or the EEO Officer. However, if the Respondent is no longer subject to ATU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator or the EEO Officer, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When a notice/complaint is affected by significant time delay, ATU will typically apply the policy and procedures in place at the time the complaint is made.

14. Online Harassment and Misconduct

The policies of ATU cover online manifestations of any of the behaviors prohibited by this Policy, when those behaviors occur in, or have an effect on, ATU's education program or activities or when they involve ATU networks, technology, or equipment.

Although ATU may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to ATU, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the ATU community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber- harassment, etc., occurring completely outside of ATU's control (e.g., not on ATU networks, websites, or between ATU email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by ATU only when such speech is made in an employee's official or work-related capacity.

15. Policy on Nondiscrimination

ATU adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

A. Protected Characteristics

ATU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Color
- Sex
- Sexual orientation
- Gender identity
- Race
- Age
- National origin
- Religion
- Veteran status
- Genetic information
- Disability

B. or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or with the Equal Employment Opportunity Commission.

C. Prohibition Against Antisemitism[6]

"Antisemitism" means the same as defined by the International Holocaust Remembrance Alliance in its working definition of antisemitism, including its contemporary examples, as it was adopted on May 26, 2016. "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Discrimination or harassment that is motivated by or includes antisemitic intent by a student enrolled in the institution of higher education or an individual employed by the institution of higher education or that is a result of institution of higher education policies or programs on the institution of higher education campus will be treated in the same manner as any other form of discrimination prohibited by state or federal law.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the ATU community whose acts deny, deprive, or limit the educational or employment opportunities of any member of the ATU community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above is in violation of ATU's policy on nondiscrimination.

When brought to the attention of ATU, any such discrimination will be promptly and fairly addressed and remedied by ATU according to the grievance process described in either Process A or Process B.

16. Policy on Disability Discrimination and Accommodation

ATU is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by ATU, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Hunter Bramlitt, Associate Dean for Student Wellness, has been designated as ATU's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability. Any complaints submitted electronically or reported to other individuals alleging discrimination based upon disability will be forwarded to Hunter Bramlitt.

Grievances related to disability status and/or accommodations will be addressed using Process B in this Policy. ATU will maintain these records in the Health and Wellness Center for a period of at least seven (7) years.

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[2] In compliance with Arkansas Act 721, ATU has included the definition of antisemitism and related prohibited conduct. ATU will address such conduct in the same manner as other forms of discrimination and harassment based upon protected class status.

A. Students with Disabilities

ATU is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to ATU academic programs, facilities, and activities.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students with disabilities at sleavell8@atu.edu. Students may also submit a request electronically at https://denali.accessiblelearning.com/ATU/ApplicationStudent.aspx.

The staff in the Disability Services Office reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with ATU's applicable policies.

B. Employees with Disabilities

Pursuant to the ADA, ATU will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to ATU.

An employee with a disability is responsible for submitting a request for an accommodation to Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator, and providing necessary documentation at kmartin51@atu.edu. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with ATU's applicable policies.

17. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under ATU policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of ATU policy. All offense definitions encompass actual and/or attempted offenses.

A. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by ATU policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristics in a class protected by policy or law.

ATU does not tolerate discriminatory harassment of any employee, student, visitor, or third party. ATU will investigate harassment when reported.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities[7]. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, ATU may also impose sanctions on the Respondent through application of either Process A or Process B in this Policy.

ATU reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may not result in the imposition of discipline under the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, but may be addressed through respectful conversation, remedial actions, education, and/or other ATU policies or procedures. For assistance with informal resolution mechanisms, employees should contact the Director of Human Resources, and students should contact the Associate Dean for Student Conduct.

B. Sexual Harassment

The U.S. Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Arkansas regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

ATU has adopted the following definition of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

Title VII/FHA Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in ATU-provided housing.

a. Unwelcome verbal, written, graphic, and/or physical conduct;
b. that is severe or pervasive and objectively offensive;
c. on the basis of sex/gender, that
d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex/gender, or that is sexual in nature, that satisfies one or more of the following:

1. **Quid Pro Quo:**
   a. an employee of ATU,
   b. conditions the provision of an aid, benefit, or service of ATU,
   c. on an individual's participation in unwelcome sexual conduct.

[7] *This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Recipients Investigative Guidance.* http://www.ed.gov/about/offices/list/ocr/docs/race394.html.

2. **Sexual Harassment (Hostile Environment):**
   a. unwelcome conduct,
   b. determined by a reasonable person,
   c. to be so severe, and
   d. pervasive, and
   e. objectively offensive,
   f. that it effectively denies a Complainant equal access to ATU's education program or activity[8].

3. **Sexual assault, any sexual act directed against a Complainant, defined as:**

   A. Rape:
   - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
   - without their consent,
   - including instances where they are incapable of giving consent because of age[9], or because of temporary or permanent mental or physical incapacity.

   B. Sodomy:
   - Oral or anal sexual intercourse with a Complainant,
   - forcibly, and/or
   - against their will (non-consensually), or
   - not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

   C. Sexual Assault with an Object:
   - The use of an object or instrument to penetrate,
   - however slightly,
   - the genital or anal opening of the body of the Complainant,
   - forcibly, and/or
   - against their will (non-consensually), or
   - not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

   D. Fondling:
   - The touching of the private parts (genitals, buttocks, groin, breasts) of the Complainant by the Respondent, or
   - The Respondent's private body parts touching the Complainant, or

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[8] *Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.*

[9] *Per state law*

- The Respondent causing the Complainant to touch the Respondent's or their own private body parts
    - For purposes of sexual gratification[10],
    - Without the consent of the Complainant,
    - Including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

E. Sex Offenses, Non-forcible:

i. Incest:

- Non-forcible sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Arkansas law.

ii. Statutory Rape:

- Non-forcible sexual intercourse,
- with a person who is under the statutory age of consent of 14.

[10] Contact with private body parts is considered to be done for the purpose of sexual gratification unless: (1) the contact can be proven inadvertent; (2) the contact is for legitimate medical)or otherwise privileged purpose and thus is conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual) (4) the contact involves a Respondent who cannot developmentally understand sexual contact or that their sexual contact is sexual; or (5) the contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act (s).

4. **Dating Violence, defined as:**
   a. violence,
   b. on the basis of sex,
   c. committed by a person,
   d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
      i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
         a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuses
         b) Dating violence does not include acts covered under the definition of domestic violence.

5. **Domestic Violence, defined as[5]:**
   a. violence,
   b. on the basis of sex,
   c. committed by a current or former spouse or intimate partner of the Complainant under family or domestic violence laws of Arkansas, and
   d. includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a Complainant, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who-
   e. is a current or former spouse or intimate partner of the Complainant, or person similarly situated to a spouse of the Complainant;
   f. is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
   g. shares a child in common with the Complainant;
   h. commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

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[5] *Per VAWA Reauthorization 2022, 34 U.S.C. 12291.*
Economic abuse, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

a. Restrict a person's access to money, assets, credit, or financial information;
b. Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
c. Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Technological abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Abuse later in life means neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim *or* domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual. This definition does not include self-neglect.

6. **Stalking, defined as:**
   a. engaging in a course of conduct,
   b. on the basis of sex,
   c. directed at the Complainant, that
      i. would cause a reasonable person to fear for the person's safety, or
      ii. the safety of others, or
      iii. suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

ATU reserves the right to impose any level of sanction, ranging from a warning up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

C. Force, Coercion, Consent, and Incapacitation[6]

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you" which elicits the response "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

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[6] *The State of Arkansas defines consent as follows: There is a lack of consent if a person engages in a sexual act with another person by forcible compulsion or with a person who is incapable of consent because he or she is physically helpless, mentally defective or mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14- 103; 5-14-125.*

- **"Mentally defective"** means that a person suffers from a mental disease or defect that renders the person:
  - incapable of understanding the nature and consequences of a sexual act; or
  - is unaware a sexual act is occurring.

    - Note: a determination that a person is mentally defective shall not be based solely on the person's IQ. Arkansas Code §§ 5-14-101(4).
- **"Mentally incapacitated**" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:
  - administered to the person without the person's consent; or
  - that renders the person unaware a sexual act is occurring. Arkansas Code §§ 5-14-101(5).
- "**Physically helpless**" means that a person is:
  - unconscious;
  - physically unable to communicate a lack of consent; or
  - rendered unaware that a sexual act is occurring. Arkansas Code §§ 5-14-101(7)
  - A nursing home patient was unable to communicate lack of consent and, thus, was "physically helpless" within meaning of statute for attempted rape purposes; victim was blind, unable to speak, and confined to bed or wheelchair, and victim could only grunt, raise her hand, and shake her head from side to side to communicate. Dabney v. State, 1996, 930 S.W.2d 360, 326 Ark. 382.
- Note: When criminality of conduct depends on a victim's being incapable of consent because he or she is mentally defective or mentally incapacitated, it is an affirmative defense that the actor reasonably believed that the victim was capable of consent. Arkansas Code §§ 5-14-102(e).

The existence of forcible compulsion in a rape case does not depend on the quantum of force that is applied but rather on whether the act is consummated against the victim's will. Hillman v. State, 569 S.W.3d 372 (Arkansas 2019), which is applicable to criminal prosecutions for sex offenses in Arkansas but may differ from the definition used on campus to address policy violations.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising good judgement. Intoxication of the Respondent does not excuse the knew or should have known standard. Revised Board of Trustees 8/15/24

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

D. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, ATU additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected characteristics.

- **Sexual Exploitation**, defined as:
  a. an individual taking non-consensual or abusive sexual advantage of another,
  b. for their own benefit or for the benefit of anyone other than the person being exploited, and
  c. that conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Indecent exposure
- Invasion of sexual privacy (e.g. doxing)
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity
- Disseminating sexual pictures or videos without the consent of all photographed or videoed parties, including the making or posting of non-consensual pornography
- Exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity

- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person; and,
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

Violation of any other ATU policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristics, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning up to and including suspension or expulsion/termination.

E. Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Title IX Coordinator or EEO Officer in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as define in the Policy
- Intentional interference with a resolution process, including, but not limited to:
    - Destroying or concealing evidence
    - Seeking or encouraging false testimony or providing false testimony or evidence
    - Intimidating or bribing a witness or party

ATU Consensual Relations Policy

Sexual relations between employees and those with whom they also have an academic evaluative or supervisory relationship are fraught with the potential for exploitation. The respect and trust accorded a professor or staff member by a student, as well as the power exercised by the professor, or other staff member, in an academic or evaluative role, make voluntary consent by the subordinate suspect. Even when both parties have previously consented, circumstances could change and conduct that was once welcome could become unwelcome and the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between individuals in unequal positions.

In their relationships with students, members of the faculty, as well as employees whose position may be perceived as one of authority, are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision takes place.

An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student whenever the employee is in a “position of authority”, real or perceived, over that student. An employee is in a “position of authority” whenever they are that student’s teacher, or when the employee is either evaluating or supervising the student. This includes resident assistants and students over whom they have direct responsibility. The “position of authority” may also include formally advising the student or when that student is a major in the employee’s department or college.

A supervisor, whether faculty or staff, should also not develop a dating or sexual relationship with an employee when the supervisor has a "position of authority", real or perceived, with respect to the employee.

Should a dating or sexual relationship develop or exist, the person with the greater position of authority must consult with an appropriate supervisor immediately. Failure to self-report such relationships may result in disciplinary action. The supervisor, with advice from University Counsel, shall develop a mechanism to ensure that objective evaluation is achieved, that conflicts of interest are avoided, and that the interest of the other individual and University are fully
protected. This will likely result in the removal of the employee from the supervisory or evaluative responsibility, or shift the individual out of being supervised or evaluated by someone with whom they have a consensual relationship.

ATU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

18. Retaliation

ATU defines Retaliation as:

- ATU or any member of the ATU community,
- Taking or attempting to take materially adverse action,
- By intimidating, threatening, coercing, harassing, or discriminating against any individual,
- For the purpose of interfering with any right or privilege secured by law or Policy, or
- Because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy and associated procedures.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or the EEO Officer and will be promptly investigated. ATU will take all appropriate steps to protect individuals who fear that they may be subjected to retaliation. ATU members are prohibited from engaging in retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing disciplinary action against those who make materially false statements in bad faith in the course of a grievance proceeding under this Policy and procedures does not constitute retaliation, provided that the determination regarding responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. Responsible Employees

Many ATU employees are mandated to report actual or suspected discrimination, harassment, and/or retaliation to the Title IX Coordinator immediately, though there are some limited exceptions. The employees are called Responsible Employees and include the following:

- President
- Chancellor
- Vice Presidents
- Chief Officers
- Associate Vice Presidents
- Assistant Vice Presidents
- Academic Dean
- Academic Department Heads and Program Chairs
- Dean of Students
- Associate Deans
- Assistant Deans
- Area Coordinators
- Athletic Director
- Head Coaches
- Assistant Coaches
- Faculty Advisors for Student Groups

- Employees in the Department of Public Safety
- Resident Directors
- Resident Assistants

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination, harassment, and/or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to an Official with Authority (the names of the Officials with Authority are provided in this Policy) can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator of the EEO Officer (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the reporting options at ATU for a Complainant or third-party:

A. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- On-campus health service providers
- Off-campus (non-employees):
    - Licensed professional counselors and other medical providers
    - Local rape crisis advocates
    - Domestic violence advocates
    - Local or state assistance agencies
    - Clergy/chaplains
    - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

ATU employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

Licensed professional counselors at ATU are available to help students free of charge and may be consulted on an emergency basis during normal business hours.

At ATU, confidential reports can be made to these employees, the licensed counselors and health care professionals staffed in the Health and Wellness Center. For more information on the Health and Wellness Center please visit https://www.atu.edu/hwc/.

You may also contact a licensed counselor or health care provider directly. A contact list is provided below:

Counseling Services:

Hunter Bramlitt, LPC, Associate Dean for Student Wellness,
jbramlitt@atu.edu
Janis Taylor, LPC, Counselor, jtaylor78@atu.edu
Leann Watson, LPC, Counselor, lwatson12@atu.edu
Dillon Webster, LAC Counselor, mailto:dwebster@atu.edu

Health Services:

Robin Joslin, APRN, Nurse Practitioner, rkoontz@atu.edu
Kyle Wewers, APRN, Nurse Practitioner, kwewers@atu.edu
Heather Campbell, RN, Registered Nurse, hstout1@atu.edu

B. Responsible Employees and Formal Notice/Complaints

Responsible employees (including student employees), with the exception of those who are designated as Confidential Resources, must promptly share with the Title IX Coordinator or the EEO Officer all known details of a report made to them in the course of their employment.

Responsible employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Responsible Employees, as those details must be shared with the Title IX Coordinator or the EEO Officer.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speakouts do not provide notice that must be reported to the Title IX Coordinator or EEO Officer by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from ATU.

Supportive measures may be offered as the result of such disclosures without formal ATU action.

Failure of a Responsible Employee, as described above in this section, to report an incident of harassment, discrimination, and/or retaliation of which they become aware is a violation of ATU policy, can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Responsible Employee is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though ATU is technically not on notice when a harasser is also a Responsible Employee unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Responsible Employee who is a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator and/ or the EEO Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator and/or the EEO Officer has ultimate discretion over whether ATU proceeds when the Complainant does not wish to do so, and, in the case of alleged sex discrimination, the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process usually upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires ATU to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. ATU may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and ATU's ability to pursue a formal grievance process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When ATU proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence and testimony.

Note that ATU's ability to remedy and respond to notice may be limited if the Complainant does not want ATU to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing ATU's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow ATU to honor that request, ATU will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, the complaint will be investigated and resolved through these procedures. Delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, ATU must issue timely warnings for Clery crimes, occurring within the Clery geography, reported to them that pose a serious or on-going threat to the campus community.

ATU will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and may be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under applicable ATU policies.

23. Amnesty for Students

The ATU community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to ATU officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the ATU community that Complainants choose to report misconduct to ATU officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, ATU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Department of Public Safety.

ATU maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, ATU may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All "primary crimes," which include criminal homicide, rape, fondling, incest, statutory rape,

robbery, aggravated assault, burglary, motor vehicle theft, and arson;

2. Hate crimes, which include any bias motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA[7] -based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations.

All personally identifiable information is kept private, but statistical information must be shared with the Department of Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily crime log.

[7] *VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.*

25. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders, and is particularly time-sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary's Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

PROCESS A

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION (KNOWN AS PROCESS A)

1. **Overview**

ATU will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures ("the Policy") that is received by the Title IX Coordinator[8], the AA/ EEO Officer, or any other Official with Authority by applying these procedures, known as Process A.

Process A applies only to qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) involving students, staff, administrator, or faculty members.

If other policies are invoked, such as policies on protected characteristic harassment or discrimination, please see Appendix C for a description of the procedures applicable to the resolution of such offenses, known as Process B.

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through procedures described in the student, staff, and faculty handbooks.

2. **Notice/Complaint**

Upon receipt of a Formal Complaint or notice of an alleged policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps ATU needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator will initiate at least one of three responses:

1. Offer supportive measures because the Complainant does not want to file a Formal Complaint
2. An informal resolution (upon submission of a Formal Complaint)
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

ATU uses the Formal Grievance Process to determine whether or not this Policy has been violated. If so, ATU will promptly implement effective remedies designed to ensure that ATU is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

[8] *Anywhere this procedure indicates "Title IX Coordinator" the EEO Officer may take action or, ATU may substitute a trained designee.*

3. Initial Assessment

Following receipt of a Formal Complaint or notice of an alleged violation of this Policy, the Title IX Coordinator[9] engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator attempts to meet with the Complainant to discuss and offer supportive measures, ensure the Complainant is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determines appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
    - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
        - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
            - an incident, and/or
            - a pattern of alleged misconduct, and/or
            - a culture/climate issue.
        - If the alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply and will "dismiss" that aspect of the complaint, if any. The Title IX Coordinator will then assess which policies may apply, if any, and may refer the matter for resolution under Process B or applicable University policy. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, and does not limit ATU's authority to address a complaint with another appropriate process and remedies.

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[9] *If circumstances require, the ATU President or designee, or the Title IX Coordinator will designate another person to oversee the resolution process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.*

- If the Complainant prefers an Informal Resolution option or a Formal Grievance Process and the Title IX Coordinator initially determines that the alleged misconduct falls within the scope of the 2020 Title IX regulations, the Title IX Coordinator will attempt to meet with the Respondent to provide them with a copy of the Formal Complaint, discuss and offer supportive measures, ensure the Respondent is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist. After the Title IX Coordinator provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's initial assessment of the alleged misconduct.

A. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

1. Emergency removal of a Respondent on the basis of immediate threat to an individual or community's physical health/safety;
2. Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;
3. Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
4. To help identify potential predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Assessment of appropriate sanctions/remedies (to be applied post-hearing);
9. Whether a Clery Act Timely Warning or campus ban is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE Team (ATU's behavioral intervention team) members. A VRA authorized by the Title IX Coordinator will occur in collaboration with the CARE Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about ATU's process for VRA can be found in Appendix B.

D. Dismissal (Mandatory and Discretionary)[10]

ATU <u>must</u> dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Title IX sexual harassment as defined above, even if proved

[10] *These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 C.F.R. Part 106.45.*

- The conduct did not occur in an educational program or activity controlled by ATU (including buildings or property controlled by recognized student organizations), and/or ATU does not have jurisdiction over the Respondent
- The conduct did not occur against a person in the United States
- At the time of filing a Formal Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of ATU, and based on the information available, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of ATU.

ATU may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
2. The Respondent is no longer enrolled in or employed by ATU
3. Specific circumstances prevent ATU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

Upon any dismissal, ATU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

A complaint dismissed under Process A may be reviewed under an alternate ATU policy or process including Process B.

4. Counterclaims

ATU is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. ATU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the resolution process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

5. Right to an Advisor

The parties may each have one (1) Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available[11].

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

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[11] *"Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.*

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community. The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process. If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and procedures. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. A student Respondent alleged of a serious violation and the Complainant alleging a serious violation has the right to be represented by an advisor they choose and the advisor may fully participate during any disciplinary proceedings through the conclusion of any appellate process.

B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

C. Advisors in Hearings/ATU-Appointed Advisor

Under the Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

D. Pre-Interview Meetings

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and procedures.

E. Advisor Violations of ATU Policy

All Advisors are subject to the same ATU policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee[12], either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

[12] *Subject to the state law provisions or ATU policy above.*

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

F. Sharing Information with the Advisor

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors. ATU provides a consent form that authorizes ATU to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

H. Expectations of an Advisor

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. This process will not be delayed by the unavailability of an Advisor.

ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with ATU policy. Although is there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. ATU encourages parties to discuss any sharing of information with their Advisors before doing so.

The formal grievance process is ATU's primary resolution approach unless Informal Resolution is elected by all parties and ATU.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section:

- **Supportive Resolution**. When the Title IX Coordinator can resolve the matter informally by providing supportive measures only to remedy the situation.
- **Alternative Resolution**. When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, facilitated dialogue, etc. as described below, often before a formal investigation takes place.
- **Accepted Responsibility**. When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the resolution process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The parties may not enter into an agreement that requires ATU to impose specific sanctions, though the parties can agree to certain restrictions/measures/terms or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only informal Resolution process that can result in sanctions levied by ATU is "Accepted Responsibility." Prior to implementing Informal Resolution, ATU will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures/terms that may result from participating in such a process, including information regarding any records that will be maintained or shared by ATU.

ATU will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. Results of complains resolved by Informal Resolution are not appealable.

B. Alternate Resolution Approaches

Alternate Resolution is an informal approach, including mediation, restorative practices facilitated dialogue, etc. by which parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history
- Whether an emergency removal is needed
- Skill of the Alternate Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The parties may not enter into an agreement that requires ATU to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. The only Informal Resolution Process that can result in sanctions levied by ATU is "Accepted Responsibility." The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Alternate Resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and ATU are able to agree on responsibility, sanctions/restrictions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of ATU policy and implements agreed-upon sanctions/restrictions and/or remedies in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms.

If either the Complainant or the Respondent objects to the proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining a sanction(s), which determination may be subject to appeal as outlined in this Policy.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

7. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. The list of Pool members and a description of the Pool can be found at https://www.atu.edu/titleix/pool.php.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

B. Pool Member Appointment

The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality. Although members of the Pool[13] are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, ATU can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth
of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

[13] *External, trained third-party neutral professionals may also be used to serve in Pool roles. This does not preclude ATU from having all members of the Pool go through an application and/or interview/ selection process.*

C. Pool Member Training

Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.
- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolutions processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complaints, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX staff, including Appeal Decision-Makers, intake personnel, Investigators, and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted at https://www.atu.edu/titleix/trainingmaterial.php.

D. Pool Membership

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources.

The Pool includes representatives who can rotate, upon appointment to serve in either the Advisor or Decision-Maker role.

Pool members are appointed for one-year terms which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that ATU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about ATU's policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that ATU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process
- Detail on how the party may request disability accommodations during the resolution process
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business-day time period, including appeal (if any), which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigator(s)

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an Investigator(s) to conduct the investigation.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Amy Pennington, Vice President for Student Affairs, at apennington@atu.edu.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence standard.

12. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

A student Respondent alleged of a serious violation will be provided a copy of the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter and will not be questions by the University until at least twenty-four (24) hours after the receipt of the Arkansas Student Due Process and Protection Act provided that campus law enforcement's ability to investigate a possible criminal violation is not impeded.

13. Delays in the Investigation Process and Interactions with Law Enforcement

ATU may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

ATU will communicate in writing the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. ATU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, ATU will implement supportive measures as deemed appropriate.

ATU action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

Recordings of interviews are not provided to the parties, but the parties will have the ability to review their interview summary once the investigator(s) has completed the summary document. All other interview summaries will be available for review when the draft investigation report is released.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist the Title IX Coordinator, if needed, with identifying all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting an initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and the witnesses

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information may be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which ATU does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) business days.
- May elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the draft report with the Title IX Coordinator for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware audio and/or video recording. Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the investigator(s) has completed the summary document.

17. Evidentiary Considerations in the Investigation

Neither the investigation nor the hearing consider: 1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation when the final investigation report is transmitted to the parties and the Decision-Makers–unless all parties and the Decision-Makers agree to an expedited timeline.

The Title IX Coordinator or designee will select appropriate Decision-Makers from the Pool and provide a copy of the investigation report.

19. Hearing Decision-Makers Composition

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three (3) members will be appointed as Chair by the Title IX Coordinator.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Chair.

20. Additional Evidentiary Considerations in the Hearing

Any evidence that the Decision-Maker(s) determine(s) is relevant and credible may be considered.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct but may be considered in determining an appropriate sanction upon a determination of responsibility because ATU uses a progressive discipline system. In this case, the information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement and/or mitigation statement prior to the hearing for the consideration of the Decision-Maker(s) at the sanction stage of the process when a determination of responsibility is reached. Any such statement should be submitted to the Title IX Coordinator.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.

- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. For any evidence, excluding testimony, that is first offered at the hearing, the Chair may allow the new evidence to be introduced, delay the hearing, or may instruct that the investigation needs to be re-opened to consider that evidence. The Chair may also determine that the new information is not relevant, was not submitted in a timely manner, and may not be introduced. In which case, the hearing will continue. The Chair may invite explanations or persuasive statements regarding the introduction of new evidence from the parties.

The parties will be given a list of the names of the Decision-Makers at least five (5) business days in advance of the hearing. All objections to any Decision-Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-Makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator or Chair will give the Decision-Makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask them to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

25. Hearing Procedures

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator (if needed), the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-Makers and the parties, and the witnesses will then be excused. The Investigator (s) may remain present for the duration of the hearing.

26. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator, if needed. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator(s) Presentation of Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator (s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

29. Testimony and Questioning

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or

preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

30. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-Maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

31. Hearing Recordings

Hearings (but not deliberations) are recorded by ATU for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-Makers, the parties, their Advisors, and appropriate administrators of ATU will be permitted to review the recording in a controlled environment as determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-Making, and Standard of Proof

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). Each of the parties may request to review any impact and/or mitigation statement (s) upon receipt of the Notice of Outcome letter. The Decision-Makers will also review any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate sanction(s).

The Chair will, in collaboration with the other Decision-Makers, then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

33. Notice of Outcome

Using the deliberation statement, the Chair will work with the Title IX Coordinator to prepare a Notice of Outcome letter. The Chair will then share the letter, which includes the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of finalizing the Decision- Makers' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the ATU from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent ATU is permitted to share such information under state or federal law; any sanction(s) issued which ATU is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to ATU's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered to be final by ATU, will note any changes to the outcome and/or sanctions(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

34. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanction (s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination[14]:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.

[14] *Subject to ATU's Organizational Code of Conduct*

- Educational Sanctions: Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - Sponsorship of an education program;
  - Attendance at educational programs;
  - Requirement of members to complete educational training programs;
  - Attendance in conflict management training;
  - Educational service hours;
  - Attendance in ethics workshop/training;
  - Reflective exercises.
  - Research exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.
- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
- Loss of Scholarship: Scholarships awarded by ATU or ATU-related programs may be partially or fully revoked.
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or
  - as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor

- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

35. Withdrawal or Resignation Before Complaint Resolution

A. Students: Should a student Respondent decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process typically ends with a dismissal, as ATU no longer has disciplinary jurisdiction over the withdrawn student.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU in any capacity. Admissions and Human Resources will be notified accordingly. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and, if found in violation, that student is not permitted to return to ATU unless and until all sanctions, if any, have been satisfied.

B. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process typically ends with dismissal, as ATU no longer has disciplinary jurisdiction over the resigned employee. However, ATU may continue the resolution process when, at the discretion of the Title IX Coordinator and/or EEO Officer, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

36. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within seven (7) calendar days of the delivery of the Notice of Outcome letter.

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Respondent is a student or non-faculty employee:

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

Respondent is a faculty member:

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s), and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers.

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s), and/or original Decision-Makers, as necessary, who will submit their responses, if any, in three (3) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed and/ or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

C. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent

documentation regarding the specific grounds for appeal.

- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-Maker may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Maker(s) may order a new investigation and/or a new hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

D. Vice President for Student Affairs Certification

At the conclusion of a disciplinary proceeding or an appeal that involves serious violation by a student Respondent, the Vice President for Student Affairs will certify that the substantial rights of student complainants and respondents established by the Arkansas Student Due Process and Protection Act have been followed. The certification will be maintained in the administrative file.

37. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and/or the EEO Officer may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator and/or the EEO Officer, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator and/or the EEO Officer will address any remedies to be provided by ATU to the Respondent to ensure no effective denial of educational access.

ATU will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair ATU's ability to provide these services.

38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Makers, including the Appeal Decision-Maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from ATU.

A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the EEO Officer.

39. Recordkeeping

ATU will maintain for a period of at least seven (7) years following the conclusion of the resolution process, records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the Respondent
3. Any remedies provided to the Complainant designed to restore or preserve equal access to ATU's education program or activity
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process. ATU will make these training materials publicly available on ATU's website
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent
    b. Any measures designed to restore or preserve equal access to ATU's education program or activity
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

ATU will also maintain any and all records in accordance with state and federal laws.

40. Disabilities Accommodations in the Resolution Process

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to ATU's resolution process.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at sleavell8@atu.edu or Kathleen Martin, Director of Human Resources and EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at kmartin51@atu.edu. These individuals will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

41. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020 under Title IX and will be reviewed and updated annually by the Title IX Coordinator and the EEO Officer. ATU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator or the EEO Officer may make minor modifications to procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules. The Title IX Coordinator and EEO Officer may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This document does not create legally enforceable protections beyond the protection of the background state

and federal laws which frame such policies and codes, generally. This policy and procedures are effective August 14, 2020.

APPENDIX A: GLOSSARY

- Advisor means a person chosen by a party or appointed by ATU to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- Appeal Decision-Maker means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- Arkansas Tech University herein referenced as "ATU".
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity.
- Confidential Resource means an employee who is not mandated to report notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority Status).
- Day means a business day when the ATU is in normal operation.
- Decision-Maker means the person or panel who hears evidence, determines relevance, and makes the final determination of whether this Policy has been violated and/or assigns sanctions.
- Directly Related Evidence is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-Maker(s). Compare to Relevant Evidence, below.
- Education program or activity means locations, events, or circumstances where ATU exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by ATU.
- Final Determination is a conclusion by preponderance of the evidence of whether or not the alleged conduct did or did not violate policy.
- Finding is a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- Formal Complaint means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that ATU investigate the allegation(s).
- Formal Grievance Process means a method of formal resolution designated by ATU to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- Grievance Process Pool includes any Investigator(s), hearing Decision-Makers, Appeal Decision-Makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- Hearing Decision-Maker Panel refers to those who have decision-making and sanctioning authority within the ATU's Formal Grievance process.
- Informal Resolution means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- Investigator means the person(s) authorized by ATU to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and file of directly related evidence.
- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA) means an employee of ATU explicitly vested with the authority to institute corrective measures for harassment, discrimination, and/or retaliation on behalf of ATU.

- Parties include the Complainant(s) and Respondent(s), collectively.
- Process A means the Formal Grievance Process used to address qualifying allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking involving students, staff, administrator, or faculty members.
- Process B means the administrative resolution procedures detailed in Appendix C that apply only when Process A does not, as determined by the Title IX Coordinator.
- Recipient means a postsecondary education program that is a recipient of federal funding.
- Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- Remedies are post-final determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to ATU's educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity under this Policy.
- Resolution means the result of an Informal Resolution or Formal Grievance Process.
- Responsible Employee means an employee of ATU who is mandated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator[15].
- Sanction means a consequence imposed by ATU on a Respondent who is found to have violated this Policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- Student refers to each person who is currently enrolled, full-time or part-time, in any non-credit or credit courses pursuing undergraduate, graduate, or post-graduate/professional studies. For the purposes of this Policy and under the ATU Student Code of Conduct, a student may also be defined as any individual who is a concurrently enrolled high school student.
- Title IX Coordinator is at least one official designated by ATU to ensure compliance with Title IX and ATU's Title IX program. References to the Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

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[15] *Not to be confused with a Mandated Reporter who is obligated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy. The ATU administrator designated to receive information from Responsible Employees may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability).*

APPENDIX B: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. An appraisal of risk factors that escalate the potential for violence
2. A determination of stabilizing influences that reduce the risk of violence
3. A contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
4. The application of intervention and management approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the CARE Team. The CARE Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment as outlined in the CARE Team Policy and Procedures and will rely on a consistent, research-based, reliable system that allows the for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric[16], The Structured Interview for Violence Risk Assessment (SIVRA-35)[17], Violence Risk Assessment of the Written Word (VRAWW) [18], Workplace Assessment of Violence Risk (WAVR-21)[19], Historical Clinical Risk Management (HCR-20)[20], and MOSAIC[21].

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The CARE Team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

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[16] *www.nabita.org*

[17] *www.nabita.org/resources/assessment-tools/sivra-35/*

[18] *https://www.nabita.org/training/vraww/*

[19] *www.wavr21.com*

[20] *http://hcr-20.com/*

[21] *https://www.mosaicmethod.com/*

APPENDIX C: PROCESS B

It is the policy of ATU to maintain a University community as a place of study and work for students, staff, and faculty, free of harassment and discrimination. All students, staff, and faculty should be aware both that ATU is concerned and prepared to act to prevent and correct such behavior.

ATU may use Process B of this Policy for all protected-characteristic discrimination complaints, except for gender discrimination complaints that meet the qualifications to be heard under Process A in compliance with Title IX regulations published by the U. S. Department of Education in May 2020.

Please note the following:

- Process B is applicable for gender discrimination complaints when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- ATU can substitute any alternative process instead of Process B, if desired.
- In compliance with federal law, VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, etc.) may also be applicable to Process B.

PROCESS B: RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION

ATU will act on complaints of alleged violation(s) of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures that is received by the Title IX Coordinator and/or the EEO Officer, as articulated in the process outlined in this document.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, and/or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

1. Filing a Complaint

Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

A. File a written Formal Complaint with the Title IX Coordinator and/or the EEO Officer[22]

B. Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures. As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator and/or the EEO Officer will contact the Complainant to ensure that it is filed correctly.

[22] *If circumstances require, the President will designate another person to oversee the process below should an allegation be made about the Title IX Coordinator and/or EEO Officer or should they be otherwise unavailable or unable to fulfill their duties.*

An individual who believes that he or she has been subjected to discrimination, harassment, and/or retaliation should contact the Title IX Coordinator and/or the EEO Officer who will review the facts presented.
The individual, if they are a faculty member, may additionally contact the Faculty Welfare Committee representative. No person shall be subject to restraints, interference, or reprisal for action taken in good faith to report or to seek advice in matters of discrimination, harassment, and/or retaliation.

2. Initial Assessment

Following receipt of a Formal Complaint, the Title IX Coordinator and/or the EEO Officer engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include those listed below.

A. Complainant's Initial Meeting with the Title IX Coordinator or EEO Officer

The Title IX Coordinator or EEO Officer will contact the Complainant to schedule an initial meeting. If the Complainant is not the alleged victim, the Title IX Coordinator or EEO Officer also will contact the alleged victim as soon as possible to schedule an initial meeting. All mentions of the "Complainant" in items 1-7 of this subsection also apply to the alleged victim if the Complainant is not the alleged victim. At this initial meeting (or these initial meetings, in the case of a Complainant who is not the alleged victim), the Title IX Coordinator or EEO Officer will, as applicable:

1. Provide the Complainant a copy of this Policy;
2. If not already submitted, request that the Complainant submit a written Formal Complaint which the Complainant may, if they agree to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation;
3. Review the ATU First Conversation Checklist;
4. Ensure the Complainant is aware of the right to have an Advisor
5. Explain processes for Informal Resolution and Formal Complaint Resolution of the Complaint;
6. Explain the steps involved in an investigation;
7. Discuss confidentiality standards and concerns with the Complainant;
8. Determine whether the Complainant wishes to pursue a resolution (informal or formal) through ATU, or no resolution of any kind;
9. Discuss non-retaliation policy;
10. Discuss with the Complainant, as appropriate, possible supportive measures that can be provided to the Complainant, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
    - Referral to counseling, medical, and/or other healthcare services
    - Referral to the Employee Assistance Program
    - Referral to community-based service providers
    - Visa and immigration assistance
    - Student financial aid counseling
    - Education to the institutional community or community subgroup(s)
    - Altering campus housing assignment(s)
    - Altering work arrangements for employees or student-employees
    - Safety planning
    - Providing campus safety escorts
    - Providing transportation accommodations
    - Implementing contact limitations (no contact directives) between the parties
    - Academic support, extensions of deadlines, or other course/program-related adjustments
    - Campus ban letters
    - Timely warnings
    - Class schedule modifications, withdrawals, or leave of absence

- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or the EEO Officer

B. Respondent's Initial Meeting with the Title IX Coordinator or EEO Officer

If the Complainant wishes to pursue an informal or formal resolution through ATU or if the ATU otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinators or the EEO Officer's initial meeting with the Complainant (and if applicable, the alleged victim), the Title IX Coordinator or EEO Officer will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator or the EEO Officer will, as applicable:

1. Provide Respondent with a copy of the Formal Complaint;
2. Provide Respondent with a copy of this Policy;
3. Review the ATU First Conversation Checklist;
4. Ensure the Respondent is aware of the right to have an Advisor;
5. Explain the ATU's procedures for Informal Resolution Process and Formal Complaint Resolution Process of the Complaint (Share option being pursued by Complainant);
6. Explain the steps involved in an investigation;
7. Discuss confidentiality standards and concerns with the Respondent;
8. Discuss non-retaliation policy;
9. Discuss with the Respondent, as appropriate, possible supportive measures that can be provided, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
    - Referral to counseling, medical, and/or other healthcare services
    - Referral to the Employee Assistance Program
    - Referral to community-based service providers
    - Visa and immigration assistance
    - Student financial aid counseling
    - Education to the institutional community or community subgroup(s)
    - Altering campus housing assignment(s)
    - Altering work arrangements for employees or student-employees
    - Safety planning
    - Providing campus safety escorts
    - Providing transportation accommodations
    - Implementing contact limitations (no contact directives) between the parties
    - Academic support, extensions of deadlines, or other course/program-related adjustments
    - Campus ban letters
    - Timely warnings
    - Class schedule modifications, withdrawals, or leave of absence
    - Increased security and monitoring of certain areas of the campus
    - Any other actions deemed appropriate by the Title IX Coordinator or the EEO Officer
10. After the Title IX Coordinator or EEO Officer provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's or EEO Officer's initial assessment of the alleged misconduct.

C. Violence Risk Assessment

In some cases, the Title IX Coordinator and/or the EEO Officer may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

- Interim suspension of a Respondent who is a threat to an individual or the community's physical

health/safety;
- Whether the Title IX Coordinator and/or the EEO Officer should pursue a Complaint absent a willing/able Complainant;
- Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
- To help identify potentially predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing);
- Whether a Clery Act Timely Warning or campus ban is needed.

More about the ATU's process for VRA can be found in Appendix B.

3. Resolution Options

Based on the initial assessment, ATU will initiate one of three responses:

- **Supportive Response** – measures to help restore the Complainant's education/work access, as described in the Policy.
- **Informal Resolution Process** – may be used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- **Formal Complaint Resolution Process** – investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Decision-Makers and the opportunity to appeal.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator or the EEO Officer. At any point during the initial assessment or formal investigation, if the Title IX Coordinator or the EEO Officer determines that reasonable cause does not support the conclusion that this Policy has been violated, the process will end, and the parties will be notified. The Complainant may request that the Title IX Coordinator or the EEO Officer review the reasonable cause determination and/or re-open the formal investigation. This decision lies in the sole discretion of the Title IX Coordinator or the EEO Officer, but the request is usually only granted in extraordinary circumstances.

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with ATU Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Informal Resolution Process

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Informal Resolution, when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator and/or the EEO Officer can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator and/or the EEO Officer has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Complaint Resolution Process, and any party participating in Informal Resolution can stop the process at any time and request the Formal Complaint Resolution Process. Further, if an Informal Resolution fails after the resolution is finalized, Formal Complaint Resolution Process may be pursued.

A. Informal Resolution Remedies

ATU methods for resolving complaints informally include, but are not limited to:

- Mediating between the Complainant and the Respondent
- Aiding in the modification of the situation in which the alleged misconduct occurred

- Assisting a department or division with the resolution of a situation
- Arranging for a documented meeting between the Respondent and an ATU official that involves, at a minimum, a discussion of the requirements of the Policy

Institutionally imposed sanctions are not possible as the result of this process, though the parties may agree to accept terms and/or appropriate remedies.

B. Respondent Accepts Responsibility for Alleged Violations

At any time prior to the date of the hearing, the Respondent may elect to acknowledge their actions and take responsibility for the alleged conduct. In such a situation, the Title IX Coordinator or the EEO Officer will propose sanction(s). If the Complainant and the Respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining a sanction(s), which determination may be subject to appeal as outlined in this Policy.

Formal Complaint Resolution Process

The Formal Complaint Resolution Process can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy if proven. The Formal Complaint Resolution Process starts with a thorough, reliable, and impartial investigation and concludes with a hearing.

The Title IX Coordinator or the EEO Officer will provide notice of the allegations and investigation to the Respondent upon commencement of the Formal Complaint Resolution Process. This notice is also copied to the Complainant. Notification will be made in writing, include a meaningful summary of the allegations, policies allegedly violated, if known at the time, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued or designated email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Investigator(s) to conduct the investigation. The Title IX Coordinator or the EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator and/or EEO Officer will determine whether the concern is reasonable and supportable. If so, another Investigator(s) will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator or the EEO Officer, concerns should be raised with Amy Pennington, Vice President for Student Affairs or Eric Walker, General Counsel, respectively.

ATU aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or the EEO Officer, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. ATU will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. ATU may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke ATU's resolution process are being investigated by law enforcement. ATU will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. ATU action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

4. Resolution Process Pool

The Formal Complaint Resolution Process relies on a pool of officials ("Pool") to carry out the process.

The list of members and a description of the Pool can be found at https://www.atu.edu/titleix/pool.php. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator and the EEO Officer:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

The Title IX Coordinator and the EEO Officer, in consultation with the President, appoints the Pool, which acts with independence and impartiality.

The Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Harassment), and Nondiscrimination Policy and Procedures
- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX staff, including Appeal Decision-Makers, intake personnel, Investigators, and Chairs. All Pool members are required to attend this annual training.

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources. The pool includes those representatives who can rotate, upon appointment to serve in either the Advisor or Decision- Maker role.

Pool members are usually appointed to one-year terms, which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator or the EEO Officer.

5. Counterclaims

ATU permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures in this policy, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator or the EEO Officer. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

6. Advisors

The parties may each have one (1) Advisor[23] of their choice present with them for all meetings and interviews within the resolution processes, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available[24].

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community.

The Title IX Coordinator and/or the EEO Officer will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process.

If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

A student Respondent alleged of a serious violation and the Complainant alleging a serious violation has the right to be represented by an advisor they choose and the advisor may fully participate during any disciplinary proceedings through the conclusion of any appellate process.

B. Advisors in Hearings/ATU-Appointed Advisor

A form of indirect questioning is allowed during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

C. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

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[23] *This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally)*

[24] *"Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.*

D. Pre-Interview Meetings

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and procedures.

E. Advisor Violations of ATU Policy

All Advisors are subject to the same ATU policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee[25] during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding, during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator and/or the EEO Officer will determine how to address the Advisor's non-compliance and future role.

F. Sharing Information with the Advisor

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors.

ATU provides a consent form that authorizes ATU to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator and/or EEO Officer or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator and/or the AAEEO Officer.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

H. Expectations of an Advisor

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

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[25] *Subject to the state law provisions or ATU policy above*

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator and/or EEO Officer if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator and/or EEO Officer of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

7. Investigation

Both the Complainant and the Respondent will be individually interviewed as a part of the investigation as will any witnesses or persons who have information related to the Formal Complaint. Documents relevant to the Formal Complaint will also be examined. A student Respondent alleged of a serious violation will be provided a copy of the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter and will not be questions by the University until at least twenty-four (24) hours after the receipt of the Arkansas Student Due Process and Protection Act provided that campus law enforcement's ability to investigate a possible criminal violation is not impeded.

The Investigator(s) typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist, if needed, in identifying all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator or the EEO Officer, if needed, with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a through, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed
- Provide each party with a full and fair opportunity to respond to the report in writing within ten (10) business days and incorporate that response into the report
- Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Gather, assess, and synthesize evidence but make no conclusion and render no recommendations as part of their report
- Share the draft report with the Title IX Coordinator or the EEO Officer for review and feedback
- Provide the final report to the Title IX Coordinator or the EEO Officer

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

8. Resolution Timeline

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal (if any), which can be extended as necessary for appropriate cause by the Title IX Coordinator or the EEO Officer, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

9. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, the EEO Officer, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator or the EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator or the EEO Officer, concerns should be raised with Amy Pennington, Vice President for Student Affairs, at apennington@atu.edu or Eric Walker, General Counsel, at ewalker@atu.edu, respectively.

The Formal Complaint Resolution Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of the evidence standard.

10. Additional Details of the Investigation Process

A. Witness responsibilities

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint. Failure to participate may hinder ATU's ability to stop, remedy, and prevent the described forms of discrimination and harassment.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

B. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-Makers determine that timeliness or efficiency dictates a need for remote interviewing. Where remote technologies are used, ATU makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the investigator(s) has completed the summary document.

D. Evidence

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct. Investigator(s) and/or Decision-Makers may elect to decline hearing from witnesses solely classified as character witnesses.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction(s) upon a determination of responsibility because ATU uses a progressive discipline system. This information is only considered at the sanctioning stage of the process.

The parties may each submit a written impact and/or mitigation statements to the Title IX Coordinator or the EEO Officer prior to the hearing for the consideration of the Decision-Maker(s) at the sanctioning stage of the process if a determination of responsibility is reached.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

11. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator or the EEO Officer will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the Decision-Makers, unless all parties and the Decision-Makers agree to an expedited timeline. The Title IX Coordinator or the EEO Officer will select appropriate Decision-Makers from the Pool.

12. Hearing Panel Composition

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator or EEO Officer. One of the three (3) members will be appointed as Chair by the Title IX Coordinator or the EEO Officer.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator or EEO Officer may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makersin that matter.

The Title IX Coordinator or EEO Officer may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a

conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair.

13. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, EEO Officer, or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice may contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator, EEO Officer, or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator or the EEO Officer at least five (5) business days prior to the hearing.
- An invitation to each party to submit to the Chair the questions or topics (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendation for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair will document and share their rationale for any relevance determination.
- Notification in advance of the hearing of any witnesses that do not need to be present if the Chair has determined their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing and both parties are in full agreement.
- Information on how the hearing will be recorded and how the parties can access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator or the EEO Officer if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if the intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator or the EEO Officer an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator or EEO Officer to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

14. Hearing Procedures

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/ or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, if needed, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-Makers and the parties, and will then be excused. The investigator(s) may remain present for the duration of the hearing.

15. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator or the EEO Officer may permit the investigations and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

16. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator or the EEO Officer. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

17. Investigator(s) Presentation of Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

18. Testimony and Questioning

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding

will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanation or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator, the EEO Officer, and/or legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

19. Decision

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s).

The Decision-Makers will review the statements and any conduct history provided by the Title IX Coordinator and/or the EEO Officer and will determine the appropriate sanction(s).

The Chair will, in collaboration with the other Decision-Makers, then prepare a written deliberation statement and deliver it to the Title IX Coordinator or AA/ EEO Officer.

The statement must be submitted to the Title IX Coordinator or EEO Officer within two (2) business days of the end of deliberations, unless the Title IX Coordinator or EEO Officer grants an extension. If an extension is granted, the Title IX Coordinator or EEO Officer will notify the parties.

20. Notice of Outcome

Using the deliberation statement, the Chair will work with the Title IX Coordinator or the EEO Officer to prepare a Notice of Outcome. The Chair will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-Makers' deliberation statement as permitted to share under state or federal law.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will detail when the determination is considered final. Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party.

21. Sanctions

Factors considered when determining any sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/ or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination,

harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanction(s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by outside authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination[26]:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
    - Sponsorship of an education program;
    - Attendance at educational programs;
    - Requirement of members to complete educational training programs;
    - Attendance in conflict management training;
    - Educational service hours;
    - Attendance in ethics workshop/training;
    - Reflective exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.
- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.

[26] *Subject to ATU's RSO Code of Conduct sanctions.*

- Loss of Scholarship: Scholarships awarded by ATU or ATU-related programs may be partially or fully revoked.
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor
- Administrative Leave/Suspension with Pay
- Administrative Leave/Suspension without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

22. Withdrawal or Resignation While Charges are Pending

Students: If a student has an allegation pending for violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, ATU may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the withdrawn student.

However, ATU will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to ATU unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the resigned employee.

The employee who resigns with unresolved allegations pending is not eligible for rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

23. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator or the EEO Officer within seven (7) calendar days of the delivery of the written finding of the Decision-Maker(s).

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Respondent is a student or non-faculty employee:

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

Respondent is a faculty member:

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator or EEO Officer, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s) and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator or EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers.

All other parties and their Advisors, the Title IX Coordinator or the EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator or the EEO Officer, the Investigator(s), and/or original Decision-Makers, as necessary, who will submit their responses, if any, in three (3) business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Appeals are not intended to provide for a full rehearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-Maker may consult with the Title IX Coordinator or the EEO Officer on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained. Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Makers may order a new investigation and/or hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

24. Vice President for Student Affairs Certification

At the conclusion of a disciplinary proceeding or an appeal that involves an alleged serious violation by a student Respondent, the Vice President for Student Affairs will certify that the substantial rights of student complaints and respondents established by the Arkansas Student Due Process and Protection Act have been followed. The certification will be maintained in the administrative file.

25. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator or the EEO Officer may implement long-term remedies or actions with respect
to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations

- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator or the EEO Officer, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator or the EEO Officer will address any remedies to be provided by ATU to the Respondent.

26. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from ATU.

A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the EEO Officer.

27. Recordkeeping

ATU will maintain for a period of at least seven (7) years records of complaints filed under Process B. ATU will also maintain any and all records in accordance with state and federal laws.

28. Disabilities Accommodation in the Resolution Process

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at ATU.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at sleavell@atu.edu or Kathleen Martin, Director of Human Resources and EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at kmartin51@atu.edu. These individuals will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

29. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator and the EEO Officer. ATU reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator or the EEO Officer may make minor modifications to these procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules.

The Title IX Coordinator or the EEO Officer may also vary procedures materially with notice (on the ATU website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedure.

Policy and procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy was implemented in August 2020.

Appendix D: Suggested Actions for Victims of Sexual Assault

If you have experienced a form of sexual assault, please consider your options. ATU's first priority is to help you take steps to address your safety, medical needs, and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a complaint at ATU or criminal charges.

1. **Ensure Your Physical Safety.**

You may seek help from local law enforcement agencies by dialing 911.

2. **Seek Medical Assistance and Treatment.**

Local options for medical care include the ATU Health and Wellness Center, Saint Mary's Regional Medical Center in Russellville, and Mercy Hospital in Ozark. Even if you do not believe you have urgent medical needs, it is crucial that you obtain medical attention as soon as possible after experiencing sexual misconduct to determine the possibilities of physical injury and to prevent or treat sexually transmitted infections.

The Health and Wellness Center at Arkansas Tech University can help survivors of sexual misconduct sort through their feelings and begin the recovery process. The professionals at Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers, law enforcement, and Title IX. Staff in the Health and Wellness Center can provide:

- Counseling services (free for all students)
- Sexually transmitted infection testing and treatment
- Women's health services

Saint Mary's Regional Medical Center in Russellville and Mercy Hospital in Ozark offer many services 24/7 for survivors of sexual and interpersonal violence such as:

- Prevention and treatment of sexually transmitted infections as well as pregnancy prevention
- Forensic evidence collection such as DNA and injury documentation
- Screening for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs)

3. **Preserve Evidence.**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders, and is particularly time-sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.

    - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
    - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary's Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

4. Obtain Emotional Support.

The ATU Health and Wellness Center can assist victims sort through their feelings and begin the recovery process. The professionals in Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, Counseling Services are strictly confidential, are not part of students' ATU records, and will not be reported to other ATU personnel.

5. Obtain Information/Report Misconduct.

You are encouraged to report incidents of sexual assault to ATU's Title IX Coordinator or other designated University individuals or offices as outlined in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (even if you have filed a report directly with law enforcement). Further information about how to report sexual assault is provided in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures. ATU staff in the Title IX Office can help you access resources and can provide you with support and information, including information on the ATU's procedures for investigating and addressing instances of sexual assault.

IMPORTANT CONTACT INFORMATION

ATU Resources

Title IX Office

Russellville

Stacy Galbo, Title IX Coordinator
479-964-0583 ext. 4714
sgalbo@atu.edu
Doc Bryan Student Services Center, Suite 233
Russellville, AR 72801

Ashlee Leavell, Assistant Dean for Student
Wellness/Deputy Title IX Coordinator 479-968-0302
Doc Bryan Student Services Center, Suite 141
sleavell8@atu.edu

Kathleen Martin, Director of Human Resources and EEO Officer/Deputy
Title IX Coordinator
479-968-0396
Brown Building, Suite 420
kmartin51@atu.edu

Title IX Office

Ozark

Sandra Patterson, Deputy Title IX Coordinator
479-667-2117 ext. 6536
spatterson8@atu.edu
Technology and Academic
Support Building, Room 154
Ozark, AR 72949

Law Enforcement Resources

In case of emergency, dial 911.

On Campus – Russellville: Assistance can be obtained 24 hours a day, 7 days a week, from the Arkansas Tech University Department of Public Safety located at 716 North El Paso Avenue and available by telephone at 479-968- 0222 or dialing 911.

On Campus – Ozark: Assistance can be obtained from 8 am to 5 pm, Monday through Friday by contacting Officer David Spicer, Public Safety Officer, located at the Collegiate Career Center, Room 100C, 1700 Helberg Lane or by telephone at 479-508-3359 or dialing 911.

Health and Wellness Center

Counseling Services and Health Services are available to students on both the Russellville and Ozark campuses by calling the Health and Wellness Center at 479-968-0329 or visiting in-person in the Doc Bryan Student Services Center, Suite 119, Russellville, AR. For more information on the Health and Wellness Center please visit https://www.atu.edu/hwc/.

You may also contact a licensed counselor or health care provider directly. A contact list is provided below:

Counseling Services:

Hunter Bramlitt, LPC, Associate Dean for Student Wellness
jbramlitt@atu.edu
Janis Taylor, LPC, Counselor, jtaylor78@atu.edu
Leann Watson, LPC, Counselor, lwatson12@atu.edu
Dillon Webster, LAC, Counselor, dwebster@atu.edu

Health Services:

Robin Joslin, APRN, Nurse Practitioner, rkoontz@atu.edu
Kyle Wewers, APRN, Nurse Practitioner, kwewers@atu.edu
Heather Stout, RN, Registered Nurse, hstout1@atu.edu

Community Resources

Saint Mary's Regional Medical Center
1808 West Main Street,
Russellville, AR 72801 479-968-2841

Mercy Hospital
801 West River, Ozark, AR 72949
479-667-4138

Victim Assistance Outreach Program
The 5th Judicial District Prosecuting Attorney's Office's Victim Assistance Outreach Program provides assistance with:

- Orders of Protection
- Contacting Law Enforcement Agencies
- VINE (Victim Identification and Notification Everyday)
- Arkansas Crime Victims Reparations Program (assists with financial compensation, counseling, lost wages, and funeral expenses)
- Referrals to other community services such as the Ozark Rape Crisis Center, River Valley Shelter, and Crisis Intervention Center
- Information on the criminal court process

The Arkansas Victim Assistance Coordinator for Pope County can be reached at 479-968-8600 and the Coordinator for Johnson and Franklin County can be reached at 479-705-0579.

Arkansas Coalition Against Sexual Assault
The Arkansas Coalition Against Sexual Assault provides a 24-hour Sexual Assault Crisis Response Hotline. The hotline telephone number is 1-800-656-4673 and the website can be located at https://www.arkcasa.org/.

Arkansas Coalition Against Domestic Violence

The U. S. Hotline number is 1-800-799-7233. List of domestic violence shelters throughout the state: https://www.domesticpeace.com/

Ozark Rape Crisis Center
With locations in Clarksville and Russellville, Arkansas, this entity provides 24-hour crisis intervention. The hotline telephone number is 1-800-818-1189 and the website can be located at https://www.ozarkrapecrisiscenter.org.

National Domestic Violence
Hotline
24-hour hotline: 1-800-799-
(SAFE) 7233
24-hour live chat:
www.thehotline.org

National Sexual Assault Hotline
24-hour hotline: 1-800-656-4673
24-hour online hotline: https://hotline.rainn.org/online

CARE TEAM

The CARE Team is a multidisciplinary proactive campus threat assessment and behavioral intervention team dedicated to improving campus safety through a coordinated, objective approach to prevention, identification, assessment, intervention, and management of situations that may pose a threat to the safety and well-being of individuals and the university community. While threat assessment is a crucial component, the CARE Team also focuses on student success and retention by following up with referrals and connecting individuals to appropriate resources.

The primary work of the CARE Team (Campus Assessment, Response, and Evaluation Team) is to collect and assess all reports of threats or other alarming behaviors by any student or employee as well as others who might impact the safety or well-being of the university community. By gathering information about individuals of concern, assessing the information in a systematic manner, determining the most effective response, implementing a plan to address the concern, and monitoring the effectiveness of the response, the team seeks to prevent disruptive or harmful incidents. Central to this process is enhancing and connecting campus communication to effectively detect patterns of behavior that in isolation might seem insignificant but when viewed in totality signal a more serious problem. By modeling effective behavioral intervention practices, this proactive approach seeks to address concerning behaviors before situations become critical.

To make a report to the CARE Team, please complete the reporting form located here: https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=1**.**

For more information on the CARE Team and all Jerry Cares educational initiatives, please visit https://www.atu.edu/jerrycares/**.**

CONFLICTS OF INTEREST

All members of the Arkansas Tech University community, including faculty, staff and members of the Board of Trustees, should remain free from conflicts of interest. The following describe areas of possible conflict of interest:

- Using or attempting to use their official position to secure special privileges or exemptions for themselves or their spouses, children, parents, or other persons standing in the first degree of relationship, or for those with whom they have a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- Accepting employment or engaging in public or professional activity while serving as public officials and in which they might reasonably expect would require or induce to them to disclose any information acquired by them by reason of their official positions that is declared by law or regulation to be confidential.
- Disclosing or using information gained by reason of their position for their personal gain or benefit.
- Receiving gifts for the performance of the duties and responsibilities of their position. This does not apply to gifts from friends, professional associates and relatives that are not work related or to awards recognizing achievement. Nominal gifts (having a value of $100 or less) among faculty, staff and students are also excluded.

ETHICS POLICY

Introduction

This ethics policy serves (1) to emphasize the University's commitment to ethical conduct and compliance with the law; (2) to set forth basic standards of ethical behavior; (3) to provide reporting mechanisms for known or suspected ethical violations; (4) to help prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the University's business, this Code can serve only as a general guide. Confronted with ethically ambiguous situations, employees should keep in mind the University's commitment to the highest ethical standards and seek advice from appropriate levels of University administration so as to ensure that this commitment is honored at all times.

This ethics policy has been adopted by the Board of Trustees and is to be administered at the direction of the President. A campus, department, or area may implement more specific associational or professional policies that supplement this policy, but each must be approved by the President and each must have a higher (and not lower) ethical requirement than this policy. In the event of a conflict between this policy and those of a campus, unit, or area, this policy will control.

This ethics policy applies to all Arkansas Tech University employees. This policy may be amended or supplemented from time to time by the Board of Trustees.

Public employment is a public trust. It is the policy of Arkansas Tech University to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the university. The policy is implemented by prescribing essential restrictions against conflict of interest without creating unnecessary obstacles to entering public service.

The institution and its employees shall conduct themselves in a manner that strengthens the public's trust and confidence by adhering to the following principles:

- Conduct that is beyond reproach and integrity of the highest caliber;
- Act with honesty and fairness in good faith and professionalism;
- Accountability, transparency and commitment to compliance with statutory requirements; and
- Being proactive in pursuing ethical conduct in future years.

Definitions

1. "Confidential information" means any information which is available to an employee only because of the employee's status as an employee of this state and is not a matter of public knowledge or available to the public on request.
2. "Employee" means an individual drawing a salary from the university and any non-salaried individual performing personal services for the university.
3. "Gift" is defined for purposes of this policy using the definition of the Arkansas Ethics Commission rule §300(b), which is set forth in its entirety in attachment "A".
4. "Gratuity" means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
5. "Immediate family" means a spouse, children, parents, brother and sisters, and grandparents.
6. "Personal gain" means a benefit or advantage that relates to a particular person rather than to a business, group or organization.

General standards of ethical conduct

1. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust.

2. Employee Conflict of Interest.
   a. It shall be a breach of ethical standards for any employee to participate directly or indirectly in any proceeding or application, in any request for ruling or other determination, in any claim or controversy, or in any other particular matter pertaining to any contract or subcontract, and any solicitation or proposal therefore, in which to the employee's knowledge;
      (i) The employee or any member of the employee's immediate family has a financial interest;
      (ii) A business or organization has a financial interest, in which business or organization the employee, or any member of the employee's immediate family, has a financial interest; or
      (iii) Any other person, business, or organization with whom the employee or any member of the employee's immediately family is negotiating or has an arrangement concerning prospective employment is a party.
   b. "Direct or indirect participation" shall include, but not be limited to, involvement through decision, approval, disapproval, recommendation, preparation of any part of a procurement request, including the content of any specification or procurement standard, rending of advice, investigation, auditing, or in any other advisory capacity.

3. Gratuities and kickbacks
   A. It is a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, including the content of any specification or procurement standard, rending of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim, or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.
   B. It is a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a subcontract or order. Meals provided as part of a conference are excluded from this provision.

4. Use of confidential information
   A. It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

5. Non-employees
   A. Any effort to influence any public employee to breach the standards of ethical conduct set forth herein is also a breach of ethical standards.

6. Violations
   Violations of this policy may constitute violations of law as set forth in A.C.A. §19-11-701 et. seq.

7. Reporting suspected violations
   Employees wishing to report a suspected violation of this ethics policy may report it anonymously to the Human Resources department or the Office of University Counsel. Submit a suspected violation.
   (https://www.atu.edu/standingcommittees/ethics-form.php)

8. Guidance
   All employees must work together to ensure prompt and consistent enforcement of this Ethics Policy. In some situations, it may be difficult to know if a violation has occurred. Because it is impossible to anticipate every situation that will arise, it is important to approach a new question or problem with confidence. Employees having questions about their obligations under this Code should consult the University's administration and/or the University Counsel.

III

RELATION OF THE FACULTY MEMBER TO ACADEMIC GOVERNANCE

Standing Committees

Faculty committees facilitate the orderly functioning of the institution by employing the many talents of the faculty, students, and administration working together. There are two general types--the elected standing committees which deal with areas which require recurrent study or action and appointed standing committees which are appointed through administrative channels for specific institutional tasks or research or to develop special projects.

Membership on elected committees is achieved through election by the entire faculty, and representation of each of the colleges is assured. The normal tenure is one academic year except on the Faculty Senate; Admissions, Academic Standards, and Student Honors Committee; Committee on Adjunct Support; Curriculum Committee; Faculty Salary and Benefits Committee; Faculty Welfare Committee; General Education Committee; Graduate Council; Honors Council; Institutional Review Board; Professional Development Committee; and Student Learning Assessment Committee where longer, staggered positions are provided.

Many of the major committees have student representation, a procedure which the University considers valuable not only because of the formal opportunity to obtain student views, but also because of the values that these assignments may have for the type of students selected for these responsibilities.

Each elected standing committee shall meet at least once per semester. The President of the Faculty Senate will assure that the committees meet and that a chairperson and secretary are elected from the faculty serving on the committee.

Chairpersons and secretaries of all standing committees are responsible for keeping minutes of each meeting. After each meeting, copies of the minutes from elected standing committees are to be sent to the President of the Faculty Senate who will in turn distribute copies to the appropriate administrative officers and others as directed by the Faculty Senate. Appointed standing committees will distribute copies of their minutes to the appropriate administrative officer and to the President of the Faculty Senate.
In the fall of 1989 the Faculty Senate adopted Roberts' Rules of Order as a method of disciplinary action against a committee member, subject to review by the Senate. Additionally, the Senate approved the following statements as an addendum to Roberts' Rules of Order for dismissal of a committee member and to serve as guidelines for the review process:

> Removal of a committee member is an extreme measure. The process denies a college or, in the case of appointed members, an administrator, representation on the committee taking such action. If a committee votes to remove a member, the decision will be considered a recommendation for action. Under such circumstances the Faculty Senate, as the committee on committees, will review pertinent data and consider if two conditions have been met: due process was followed and the action had merit. If the Senate concurs via a two-thirds (2/3) majority of the full Senate, a special election for that specific committee member's position will be called. In the case of an appointed member, the appropriate administrator will be asked to appoint a new member.

A list of standing committees denoting membership and function can be found at:
https://www.atu.edu/standingcommittees/.

ACADEMIC ADVISING

The Academic Advising Center (AAC) is responsible for the enrollment of all first-time entering freshmen, transfer, and new returning students who have earned less than 60 hours. All incoming freshmen complete their first academic advising appointment and register for classes in the AAC. Undeclared, General Education Associates, and all Bachelor's degree seeking students, (excluding Organizational Studies and all other Associate degrees) continue to be advised by the AAC's professional staff until approximately sixty (60) credit hours.

Each semester after the 11th class day, the AAC will aid students who will earn approximately 60 hours by the end of the current semester in the transition to a faculty advisor. The department of a student's major field of study will assign the student to a faculty member who will act as the student's academic advisor. Students have the privilege of requesting a change of advisor, if they so desire. Faculty members also have the privilege to request a change whenever they feel that another faculty member could better advise a student. The student will report for academic advising and subsequent enrollment in courses at the time and place designated for registration.

The students should be responsible for selecting suitable and required courses as outlined by the University catalog; however, each academic advisor has a responsibility to assist students in defining goals. The academic advisor may be expected to advise the student on alternative programs, sequence of courses, choice of electives, class load, to assist with problems, and to interpret university regulations or requirements.

The Arkansas Course Transfer System (ACTS) is designed to assist students with planning their academic progress. This system contains information about the transferability of courses within Arkansas public colleges and universities. The Arkansas Transfer System can be accessed at https://adhe.edu/students-parents/transfer-info-for-students.

It is the responsibility of the University, through the Deans of the Colleges, Department Heads, and the Academic Advising Center, to provide academic advisors with resources used to guide students are and adequately informed in University requirements and advising procedures.

ACADEMIC ADVISING CENTER

The Academic Advising Center is administered by the Assistant Dean for Academic Advising who reports to the Associate Dean for Academic Advising and Career Services in the Center for Academic Advising and Career Development under the Division of Student Affairs. Policies governing the program are developed in coordination with the Office of Academic Affairs.

Arkansas Tech University views academic advising as a necessary and critical mediation in the education of our students. The Academic Advising Center assists students in determining goals and reaching their academic and professional objectives. The AAC holds an interest in all students, focusing on incoming freshmen, transfer and new returning students who have earned less than 60 hours.

DISABILITY SERVICES FOR STUDENTS

The Office of Disability Services serves as the central campus resource for students with disabilities covered by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. This office partners with students, faculty, and staff to enable equal access to programs and services. The Office of Disability Services is located in Doc Bryan Suite 141, and may be contacted in the following ways: Phone: (479) 968-0302; TTY: (479) 964-3290; Email: disabilities@atu.edu.

STUDENT SCHEDULING

Registration

Arkansas Tech utilizes a student registration system. Registration in classes during August and January as well as for summer sessions is conducted by appointment with the academic advisor. Pre-registration for fall and spring semesters is conducted by hours earned with upperclassman first. Generally, students must be cleared through the offices of Admissions, the Registrar, Student Services, and Student Accounts prior to official enrollment in classes.

Procedure for Changing Class Schedule

Students may drop, add, or change sections of courses only by following the official procedure, which involves these steps: (1) obtaining from the Registrar's office the official course change form on which the student lists the reason for the change and itemizes all changes in classes or sections; (2) obtaining the advisor's approval for the change; and (3) returning the required form to the Registrar's office. A fee is charged unless the change is for University convenience, such as section adjustments or course cancellations.

The deadline for adding or changing sections of courses is approximately one week after registration. Thereafter, students may drop courses according to the procedure outlined in the "Regulations and Procedures" section of the University catalogs.

Procedure for Dropping a Course or Withdrawing Class Schedule

Students can request a course drop or total withdrawal online through OneTech by going to the "Advising-Students" block and clicking the "My Current Semester" menu to access the "Drop Classes or Withdraw" link.

ASSEMBLY PROGRAMS/SPECIAL DAYS

Assembly Programs

Each semester a few day-time assembly programs are held. Some are planned by the Convocations and Programs Committee; others are held in response to various contingencies that arise. Except for programs of unusual significance, there will be no campus-wide dismissal of classes for assembly programs. However, faculty members have the option of dismissing a class to attend a program which promises to be of special interest or value to them or their students.

Special Days

Family Day and Homecoming are special days for Arkansas Tech University. Members of the faculty cooperate in making each of these days a successful occasion by assisting in the planning of programs and by attending assemblies and other events incident to these days.

IV

RELATION OF THE FACULTY MEMBER TO STUDENTS

The primary relationship of a faculty member to students is most relevant in matters pertaining to instruction. The following standard operating procedures are set forth as guidelines for meeting conditions which arise from ongoing classroom activities.

FACULTY TEACHING WORKLOAD

It is the policy of the University to hold the normal teaching load to approximately twelve semester hours, with some variations because of differing teaching problems in certain departments. The normal twelve-hour load is intended to provide the instructor with the time and opportunity for the most effective instruction and for some research.

General Statement of Policy/Procedure

The standard workload for the faculty during each fall or spring semester is twelve semester credit hours of classroom instruction or the equivalent. Reductions in the workload of twelve semester credit hours may be approved by the Executive Vice President for Academic Affairs and Provost and Provost (EVPAAP) for conditions including, but not limited to, chairing an academic department; supervising special instructional laboratories; supervising directed study; conducting internships and student practicums; coordinating special instructional programs; developing new institutional programs; and engaging in significant creative activities. Only with approval of the Executive Vice President will full-time faculty members who are not department heads be permitted to teach fewer than 12 semester hours or the equivalent each fall or spring semester.

Guidelines/Principles

The following principles and guidelines are adopted by this policy to facilitate more effective teaching, increasing professional development, improved academic quality, and appropriate response to enrollment trends at Arkansas Tech University.

A. Faculty members may be granted release time for administrative duties, special assignments, and significant creative activities. This last category includes the case of sponsored research when the sponsor provides funds for released time and/or a salary. In all cases, the granting of release time requires the recommendation of the Department Chair and the Dean, and approval of the EVPAAP.

B. The Department Head will regularly monitor each faculty member's student teaching load to ensure its consistency with sound pedagogical practices and the best interests of the department and the University.

C. The Department Head, in consultation with the Dean and the EVPAAP, determines specific course equivalencies for those courses whose contact hours exceed their assigned credit hours.

ASSIGNMENT OF INSTRUCTIONAL DUTIES

Course assignments for each faculty member are made by the Department Head in consultation with the Dean of the college, subject to the approval of the Executive Vice President for Academic Affairs and Provost.

Faculty members may also be assigned to assist with "special problems" courses. These courses, which carry variable credit, are intended to provide the more able and advanced students with the opportunity for independent study and research. For admission to a "special problems" course a student must obtain the approval of the Department Head and the instructor who will supervise the study. The Department Head and the instructor also determine, prior to the student's enrollment, the amount of credit to be assigned on the basis of the complexity of the problem. Within the first two weeks of the semester the instructor will submit to the Department Head, with a copy to the Dean of the College, a report of the problem to be studied, the hours of credit assigned, and a brief statement of the work outlined for the student. It is emphasized that "special problems" courses are not intended for credit convenience or informal completion of another departmental course. Instructors should accept the responsibility for such courses only if they believe that the quality and preparation of the student, the nature of the problem, and the purpose to be served fully justify the expenditure of instructional effort required.

CLASS RECORDS

It is the responsibility of the faculty member to maintain adequate records necessary for grading and accounting for student attendance prior to the official attendance date and throughout the semester/term. Class rolls and attendance records should be retained for at least six months following the conclusion of the course or turned over to the department head or dean in the event that the faculty member leaves the University.

Attendance Accounting

The faculty member is to report students who have not reported to class by the official attendance date. Based on the reporting, students not reporting to class will be dropped for non-attendance.

For electronically delivered classes, the faculty member must ascertain whether students have actively contributed to the course at least once on or before the attendance verification date for the course. For purposes of attendance accounting this means that faculty are required to have students complete the Blackboard Attendance Accounting Module or submit an assignment on or before the attendance verification date for the course. Attendance accounting is completed electronically in the Banner system. Instructions are provided to all faculty members prior to the beginning of each semester.

Class Attendance

The following statements regarding faculty and student attendance and the faculty members' responsibility to set student attendance expectations for each class do not release the faculty from the responsibility to maintain student attendance records throughout the semester/term.

Faculty. Any time that a faculty member must miss a class, the students are entitled to advance notice or, if the absence is due to a last-minute emergency, to notification at the time they report to class. Absence by a faculty member must have the prior approval of the Department Head or the Dean of the College, as appropriate.

Students. The policy of the University in regard to class absences may be stated as the considered belief that regular class attendance is essential to the maximum growth and development of the student, and that students, in their own interest, are therefore responsible for attending all classes for which they are enrolled. For electronically delivered classes, where physical attendance is not a reasonable requirement, equivalent on-line interaction must be documented in lieu of attendance. Absence/participation policies and procedures are applicable both to the regular terms and to the summer sessions.

The procedure for implementation of this policy (as adopted by the faculty on September 9, 1966, and as amended by the Faculty Senate on September 27, 1990) is as follows:

1. Control of class attendance is vested in the teacher who has the responsibility for clearly defining in each course, early in the semester, the standards and procedures in regard to regularity and punctuality of class attendance.

2. Students will not be penalized by their instructors for class absences that result from participation in officially sanctioned University activities. It is the responsibility of students to present to their instructors notice and verification of authorized participation in such activities. Individual instructors retain the authority to determine how students in their classes will avoid academic penalties for the resulting absences.

3. Before invoking the most severe penalty for unsatisfactory class attendance or non-attendance--dropping a student from a course with a grade of "WN" – withdraw for non-attendance --the instructor is obligated to notify the student, in writing, that an additional absence would result in this penalty. The WN may also be awarded by an instructor to a student who does not participate in an online course as required by federal financial aid guidelines.

4. A student accumulating an excessive number of unjustifiable absences/non-attendance in an audited course may be administratively withdrawn at the request of the instructor.

5. The action of dropping a student from a course for excessive absences/non-attendance becomes final when the instructor reports this action in writing to the Registrar's Office. The student who chooses to protest such action as unjustified has recourse through the grievance procedure for appeal of an academic grade as outlined beginning on page 182.

The following comments and suggestions may be of some value to the faculty in the discharge of their responsibility for student class attendance:

1. Individual instructors have the option, and may find it advisable in some cases, to prescribe different class attendance requirements for different classes; i.e., between freshman and upper-level classes, or between class and laboratory requirements for a single course.

2. Certain departments may find it desirable to establish uniform absence policies within the department, particularly in those departments with multi-section courses.

3. In general, students who miss classes should be held responsible for making up the work through written reports or other appropriate means.

4. Each instructor is fully justified in requiring student promptness and in barring from class any student who persists in being tardy.

GRADING--POLICY AND REPORTING

Grading System

Arkansas Tech University uses the four-point system of computing grade points: A, 4 points; B, 3 points; C, 2 points; D, 1 point; F, 0 points.

Students may repeat courses they have taken at Arkansas Tech University for the purpose of grade point adjustments (1) only by re-enrolling in the same courses at Arkansas Tech University and (2) subject to the following provisions. For repeated courses, only the grade from the best attempt of the repeated course is calculated into a student's cumulative grade point although all grades and all attempts are recorded on the student's academic record. Students may not repeat a course in which the highest grade possible has already been earned. Adjustments to cumulative grade points are not made for courses transferred from other colleges or universities.

Grading

Although Arkansas Tech University does not require fixed percentages in individual classes, equitable grading requires certain rough proportions which should, generally, approximate the normal grade curves. This system is more applicable to lower level courses; upper-level courses will usually depart from this pattern.

Grades are reported through an on-line grading system at the conclusion of each semester or term. Mid-term grades are reported for freshmen and sophomores only. A grade of "I" may be recorded for a student who has not completed all the requirements of a course **only** in situations where the student has an illness or other circumstances beyond the student's control, and has completed seventy-five percent of the course requirements. If a grade of "I" is assigned the instructor will set a reasonable time limit within the following semester in which the work must be completed. Beginning the first summer term, 1990, and thereafter, a grade of "I" will not be computed in the grade-point average for the semester recorded; however, the "I" will be automatically changed to a grade of "F" for grade and grade-point purposes at the end of the next regular semester (fall or spring) unless course requirements are completed and the final grade is reported before the end of the semester. A grade of "I" recorded prior to the first summer term, 1990, will be computed as an "F" for grade-point purposes until the "I" is removed. The change of a grade of "I" to a permanent grade is accomplished by written notification from the instructor to the Registrar.

No grade other than "I" may be changed after it is recorded except if an instructor finds that a grade has been erroneously reported. In such instances the instructor may correct the grade by submitting a Grade Change Request form with an explanation of the change to Academic Affairs.

A grade of "Pass" for pass/fail courses is not calculated in the grade point average, but does count in earned hours. A grade of "Fail" for these courses is calculated in the grade point average as 0 points.

Reporting Grades

Grades are to be reported at mid-term (for freshmen and sophomores only) and the end of a semester through an on-line grading system. Only final grades are reported in the summer term. Faculty members are obligated to report grades on schedule as requested by the Executive Vice President for Academic Affairs and Provost.

After grade submission due dates, grades are available on the student's OneTech account. Notification is sent to students in academic jeopardy.

Examinations

At the end of each fall and spring semester approximately one week is set aside for examination week. Examination week is established as a time to administer end-of-course examinations. For laboratory, internship, and other special courses approved by the college dean, examination week will be the last week of classes. For all other courses, examination week will be the week after the last day of classes. The end-of-course examination schedule is published by the Academic Affairs office. It is Arkansas Tech University policy that each full-time and each part-time faculty member will administer, at the assigned time, an end-of-course examination appropriate for each course assigned to the faculty member. Failure to administer an end-of-course examination, at the assigned time, may be considered an act of insubordination. Any deviation from the end-of-course examination schedule must be approved by the college dean. Instructors who wish to administer a single test to multiple sections of a course should submit such a request to the Academic Affairs office at least two months before examination week. In the summer terms there is no separate schedule of examinations-instructors give the end-of-course examinations the last day of the summer term.

Within a semester instructors may schedule a test for multiple sections, normally early in the evening, by submitting such request to the Dean of the College not later than the end of the third week of a semester. For each test the request will specify the number of students involved, the classroom desired, the dates (preferably with alternate dates), and the hours for beginning and ending the test. The appropriate college dean has the responsibility of synchronizing the scheduling of these tests, for checking against activities and with others who may be involved, and for publishing an official schedule of these tests in order that others concerned may plan accordingly.

Any student who has a justifiable reason for missing a test scheduled in the late afternoon or at night is to be excused by the instructor from the test and is to be given the privilege of taking a comparable examination at another time which is suitable to the student and to the instructor.

CODE OF ACADEMIC INTEGRITY

The Preamble

A university exists for the purpose of educating students and granting degrees to all students who complete graduation requirements. Therefore, Arkansas Tech University requires the highest standards of academic integrity and conduct from all students. Students at Arkansas Tech University will refrain from committing any of the violations of academic integrity as detailed below. Further, Arkansas Tech University expects that all classes maintain an academic and courteous atmosphere. Both the professor and students are responsible for creating an environment that enables all students to reach their academic potential. The classroom is under the control of the professor who will give students a statement of his or her classroom expectations and policies in a syllabus at the beginning of the semester. The term "classroom" as used in this Academic Integrity Policy includes face-to-face, hybrid and online classes. It is not restricted to classrooms on or off campus but also includes playing fields and laboratories, as well as University computer areas on or off campus as well as field trips associated with class-related matters. Students will conduct themselves in a non-disruptive and civil manner when attending classes and other events associated with Arkansas Tech University.

A. **Types of Academic Integrity Violations**

A violation of academic integrity refers to various categories of inappropriate academic behavior with respect to a course. Students must refrain from cheating, plagiarism, fabrication, impersonation, forgery, collusion and/or other dishonest practices. Below are common examples of unacceptable academic behavior.

Cheating on an examination, quiz, report, or assignment involves any of several categories of dishonest activity. Examples of cheating *include, but are not limited to:*

- copying from the examination or quiz of another student;
- using classroom notes, messages, or crib sheets in any format (paper or electronic) which gives the student extra help on the exam or quiz, and which were not approved by the instructor of the class;
- obtaining advanced copies of exams or quizzes;
- soliciting of unethical academic services, including purchasing of research papers, essays, or any other scholastic endeavor; and
- using the same paper to fulfill requirements in several classes without the consent of the professors teaching those classes.
- impermissible use of generative AI to create coursework

Plagiarism is stealing the ideas, data, tables, graphs, artistic works, or writing of another person and using them as one's own. This includes not only passages, but also sentences and phrases incorporated in the student's written work without acknowledgment to the true author. Any paper written by cutting and pasting from the Internet or any other source is plagiarized. Slight modifications in wording do not change the fact that the sentence or phrase is plagiarized. Acknowledgment of the source of ideas must be made through a recognized footnoting or citation format (MLA, APA, etc.). Plagiarism includes recasting the phrase or passage in the student's own words of another's ideas that are not considered common knowledge. Acknowledgment of source must be made in this case as well.

Collusion is the act of collaborating with one or more students or others on coursework (i.e., a test, assignments, paper, etc.) when the professor has not expressly approved collaboration or group work on the assignment. Individual coursework is to be entirely the work of the student submitting it for a grade. When a student submits work that was produced through collaboration with others without the authorization of the instructor as the individual student's own work and performance, this is a violation of academic integrity.

Impersonation, **fabrication**, and **forgery** are all violations of academic integrity. Impersonation is assuming a student's identity with the intent to provide an advantage for the student academically. Fabrication and forgery are "to fake; forge (a document signature, etc.)," particularly the faking or forging of the information or signature on course assignments. Examples of impersonation *include but are not limited to* hiring a substitute to take an exam, write a paper; or complete some other course assignment.
Examples of academic fabrication and forgery *include but are not limited to*:

- furnishing false information, data, or research findings on coursework;
- failing to identify yourself honestly in the context of an academic obligation;
- fabricating or altering information or data and presenting it as legitimate;
- providing false or misleading information to an instructor or any other University official;
- forging an instructor's signature on a letter of recommendation or any other document;
- submitting an altered transcript of grades to or from another institution or employer;
- putting your name on another person's exam or assignment; and
- altering a previously graded exam or assignment for purposes of a grade appeal or of gaining points in a re-grading process.

B. Classroom Behavior

Each member of the Arkansas Tech University community is obliged to conduct her/himself in a non-disruptive manner in the classroom. If a student is being disruptive, the instructor will address the situation, discussing behavioral expectations moving forward, and emphasize possible consequences for failing to comply. If the disruptive behavior persists, the student may be suspended on an interim basis from the class. Instructors may report excessive and/or repeated disruptive behavior through the Procedures for Addressing Violations of Academic Integrity and Classroom Behavior. This process includes an appeals process students may use to challenge perceived violations or excessive penalties. Students who exhibit disruptive behavior may also be referred to the Department of Student Conduct (see Article III, Section C of the Arkansas Tech University Student Handbook).

If a classroom incident constitutes an emergency (e.g., any immediate threat to life and/or property) and requires an immediate response from police, fire or emergency medical services, **please call 911.**

C. Procedures for Addressing Violations of Academic Integrity and Classroom Behavior

Since allegations of a violation of academic integrity may have serious consequences, below are the procedures for reporting allegations, the administrative procedure for processing alleged violations, and a statement of institutional penalties that may be applied on top of the instructor's academic penalty in those cases where violations occurred.

1. Principles

1. Arkansas Tech University promotes a culture of academic integrity and professionalism that enhances the quality of an Arkansas Tech degree.
2. The process for reporting and adjudicating an allegation of academic dishonesty should be fair and just for all involved.
3. Faculty members have sole purview for any academic sanction administered if a violation of the academic integrity policy is found to have occurred.
4. Arkansas Tech supports educational, not solely punitive, measures for addressing violations of the academic integrity policy.

2. Reporting Procedure

1. If any instructor, student, or staff member has compelling facts and evidence an individual has violated any category of academic integrity, that instructor, student, or staff member must report the suspected violation(s) to Academic Affairs using the Arkansas Tech University "Academic Integrity Referral" form found at: www.atu.edu/academic-integrity.
2. Upon receipt of an allegation, Academic Affairs will either create a file for the student if it is a first-time offense or add the report to an existing file for the individual if one already exists.

3. Administrative Procedure

1. Within ***three business days*** of receiving a reported violation of academic integrity, Academic Affairs will notify:
   a. The instructor of record for the course, the Department Head and Dean. They will be supplied the report, the evidence and the number of allegations and proven violations of academic integrity or disruptive classroom behavior by the student.
   b. The student of the alleged violation, the report and evidence.

   NOTE: A course withdrawal or drop by the student that occurs after a reported violation of academic integrity or classroom behavioral conduct may not be honored. If a violation is determined to have occurred, the student may be reinstated if the penalty is an "F" in the course.
2. Upon notification of an alleged violation, the student has ***five business days*** to schedule a meeting with the instructor to resolve the allegation. If the instructor is unreachable, the student should arrange within this timeframe a meeting with the instructor's Department Head or Dean.
   a. If the student fails to respond to the instructor (or Department Head or Dean) within ***five business days*** of notification, this is taken as tacit acceptance that the violation occurred. After five business days, the instructor informs Academic Affairs, his/her Department Head, and Dean that the student has failed to request a meeting. The instructor may apply the academic penalty as prescribed in his/her course syllabus. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation.
   b. If the student does request a meeting within five business days, the instructor (or Department Head or Dean, if necessary) and student will meet (either face-to-face, by conference call or using other electronic means) to attempt to resolve the allegation. This meeting may result in one of the following:
      1. The student provides explanation and evidence to the satisfaction of the instructor that no violation occurred. The instructor informs Academic Affairs, his/her Department Head, and Dean that the allegation against the student has been resolved and no penalties will be assessed.
      2. The instructor educates the student on what qualifies as a violation of the policy and the student accepts that he/she violated it. The instructor may apply the academic

penalty as prescribed in the course syllabus, which may include a final grade of "F" that would override the student's course drop or withdrawal if such has occurred. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation.

NOTE: If the student feels the instructor's academic penalty is excessive or unfair, he/she should refer to the Student Handbook, Article V: Classroom Provisions, Section C: Student Academic Grievance Procedure, on how to appeal it.

3. The student and the instructor are unable to resolve the issue. The student then has ***three business days*** from the meeting to file an appeal with Academic Affairs. Academic Affairs then forwards the case to the Academic Affairs Appeals Committee Chair for resolution.

c. If neither the individual nor the instructor acknowledge the report and/or take action to resolve it within the ***five business days***, Academic Affairs follows up with the Department Head and/or Dean to get acknowledgment of the report and resolution of the allegation by the student and/or instructor.

3. For cases where the student appeals the allegation to the Academic Appeals Committee, the Chair will provide the Academic Appeals Committee with the original report and evidence provided by the reporting party, any report and evidence supplied by the instructor, as well as the appeal and explanation by the student. The committee will decide whether the facts merit investigation. If so, the Academic Appeals Committee will appoint from its body a subcommittee to investigate and recommend action. The Chair forms the subcommittee of at least three members (two students and a faculty member) who will be responsible for investigating the case. The Chair will provide the subcommittee with the original report and evidence provided by the reporting party, any report and evidence supplied by the instructor, as well as the appeal and explanation by the student. Upon conclusion of its investigation, the subcommittee reports its findings and recommendation to the Chair of the Academic Appeals Committee. The Chair then shares the subcommittee's recommendation with the full Academic Appeals Committee, who make the final decision on the appeal. The Chair will report the full committee's decision to Academic Affairs. Academic Affairs then contacts all parties as follows:

   a. If the decision is that no violation has occurred, Academic Affairs notifies the individual, as well as the instructor, his/her Department Head and Dean to that effect. No penalties are assessed against the student.
   b. If the decision is that a violation of the policy occurred, Academic Affairs notifies the student, as well as the instructor, his/her Department Head and Dean to that effect. The instructor may apply the academic penalty as prescribed in the course syllabus, which may include a final grade of "F" that would trump the student's course drop or withdrawal if such has occurred. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation.

   Academic Affairs updates the file for the individual as appropriate and the issue is resolved.

4. The procedural process for violations of academic integrity for Graduate Students can be found in the Graduate Catalog in the Academic Information Section located at this website: *https://www.atu.edu/catalog/graduate/academic_info.php*.

D. Penalties for Violations of Academic Integrity and Classroom Behavior

1. Arkansas Tech University respects the right of the instructor of record for the course to determine and apply all academic sanctions for violations of academic integrity. The classroom is under the control of the instructor, who will give students a statement of his/her classroom expectations and policies in a syllabus at the beginning of the semester. Typical penalties *can include, but are not limited to,* giving an 'F' on a particular quiz or exam, giving an 'F' on a term paper or other written work, or giving the student an 'F' or 'W' for the course. Instructors may also have different penalties depending on the number and severity of violations.
2. As an institution, Arkansas Tech University may deem it necessary to apply additional sanctions beyond the academic penalties imposed through the course. Examples of the types of penalties Arkansas Tech may choose to apply *include but are not limited to* required completion of academic integrity training, as well as disciplinary probation, suspension or expulsion from the university. Any institutional penalties that may be applied will vary based on the number and severity of violations. Below is the general rubric Academic Affairs will follow when applying an institutional penalty.
    a. First Offense: If an institutional penalty is applied, generally this will involve required training on academic integrity and acceptable academic practices and behaviors. However, the severity of the violation may justify probation or even suspension from the university.
        i. Note: The academic integrity course or training is to be completed within ***two business weeks*** of notification by Academic Affairs that it is required. Failure to complete the course in this timely fashion may result in a hold being placed on the individual's account by the Registrar. It will not be removed until the training is completed. Also, any costs for the course or training must be paid by the student.
    b. Second Offense: For a second offense, additional training on acceptable academic practices and behaviors may be required, as well as disciplinary probation. However, the severity of the violation may entail suspension or even expulsion from the university.
    c. Third Offense: For a third offense the individual has already had two courses on academic training and incurred disciplinary probation. The minimum penalty is now suspension. However, the severity of the violation along with the multiple infractions may result in expulsion from the university.
    d. Fourth Offense: For a fourth offense, the individual will be expelled from the university.

UNDERGRADUATE STUDENT ACADEMIC GRIEVANCE PROCEDURE

Appeal of an Academic Course Grade

This section describes the process for an academic grade appeal for undergraduate students. The relevant policy for grade appeal by graduate students can be found in the Graduate Catalog.

The assessment of the quality of a student's academic performance is solely and properly one of the major responsibilities of university faculty members. A grade appeal is not appropriate when a student simply disagrees with the faculty member's judgment about the quality of the student's work. Grade appeals should be based on problems of process and not on differences in opinion concerning academic performance. A student who is uncertain about whether or not a grade should be appealed or who needs additional information about the grade appeal process can contact the department head's office (or dean's office should the instructor be the department head). This policy is implemented within the college that administratively houses the department through which the course was offered, irrespective of a student's major or class standing.

The grade appeal process is designed to give the student an opportunity to correct an injustice. Disagreement or dissatisfaction with a faculty member's professional evaluation of coursework is not the basis for a grade appeal. It should only be utilized when the student contends that the final grade assigned for the course by the instructor is a result of procedural/calculation error, a result of prejudice, or is arbitrary and/or capricious. Arbitrary and/or capricious here implies that,
1) The student has been assigned a grade on the basis of something other than their performance in the course; or
2) Standards utilized in determining final course grade were not evenly applied to all students in the course; or
3) The grade is based on standards that are unannounced or are substantially different and unreasonable departures from those articulated in the course syllabus at the beginning of the course.

The burden of proof is always on the student appellant to prove that a change of grade is an appropriate action in their case.

Informal

In all cases, the student must begin a grade appeal process informally with the instructor involved to attempt to resolve the disagreement in a cooperative atmosphere. The student must explain their position to the instructor and attempt to understand the justification for the grade assigned by the instructor. The purpose of the meeting is to reach a mutual understanding of the student's situation and the instructor's actions and to resolve differences in an informal and cooperative manner. If the student and instructor cannot, after consultation, reach a satisfactory resolution, the student may begin a formal grade appeal process based on procedural/calculation error, prejudice, or an arbitrary and/or capricious assertion.

Formal

The following apply to the formal appeal process for an academic final course grade assigned by an instructor and challenged by a student that has failed to reach a resolution during the informal process.

1. Appeal of a final course grade must be made by the student directly affected and must be made immediately following the conclusion of the course. Immediately, here, means before the beginning of another semester or summer term.
2. All appeals of a grade must begin with the student making a written appeal to the instructor involved and explaining the nature of the problem and the student's desired resolution. In the case of an instructor who has terminated his/her association with the University, the appeal would begin with the department head or to the dean of the college if the department head should be the instructor involved. Appeals must be presented in writing and contain the following information:

(a) A listing of the student name, course prefix, number, section, semester term/year and instructor of course;
(b) A clear concise statement describing the specific supporting evidence of arbitrary and/or capricious grading as defined above must be provided. It is very important that the basis of the appeal is clearly understood.;
(c) A brief summary of the prior informal attempts to resolve the matter and the results of those previous discussions; and
(d) A specific statement of the action or resolution sought.

The instructor (or department head/dean) will have 10 business days to provide a written response to the student appellant. If the instructor is a department head who has left the University and the dean determines no grade change is warranted, the appeals process is completed.

3. If the appeal is not resolved in the previous step, within 5 business days of the date of the written response from the instructor, the student wishing further consideration would take the issue and documents to the head of the department in which the course is taught, or to the dean of the college if the department head should be the instructor involved. The department head (or dean) will review the case and make a judgment on the appeal to determine if a change of grade is warranted. The department head (or dean) will provide a written notice to the instructor and student appellant of their decision within 10 business days of receiving the documents from the student appellant. If the instructor is a department head and the dean determines no grade change is warranted, the appeals process is completed.
4. If the student wishes further consideration after the previous step, within 5 business days of the date of the written response from the department head, the student may appeal to the dean of the college offering the course only if the student has new evidence pertaining directly to their case that was not reasonably available at the time of the initial appeal or contends that the procedures outlined here were not followed. The student would submit a written formal presentation of the case, with all related supporting documents, to the dean. Should the dean determine that there is no new relevant evidence or that procedures were properly followed, the appeals process is completed and the student appellant will be notified in writing within 5 business days. If the dean agrees that there is new relevant evidence or that procedures were not followed, an ad hoc hearing committee will be appointed. The committee will be composed of three faculty members from the college in which the course is offered, or two from the college and one from the student's major department, if that department is not in the same college as that in which the course is offered. The committee members will be appointed by the dean(s) of the college(s) involved. The committee will review the documents and can then either reject the appeal on the basis of its content or proceed to investigate further. The committee will have full cooperation of all parties in gathering information and conducting interviews for the hearing. Once an issue is before the

committee, the committee shall have the authority to recommend a lower grade, recommend a higher grade, or recommend no change of a grade. Review by the committee should be completed within 15 business days of the submission of the written presentation of the case to the dean by the student appellant. The committee recommendation will be conveyed to the dean of the college in which the course is offered. The dean would inform the student appellant, instructor, department head, and registrar of any grade change for the course if applicable. The dean's determination is final.

Appeal of an Academic Undergraduate Program Dismissal

The following apply for an undergraduate student appeal of program dismissal having been made by an academic department. The procedure for a graduate student appeal of program dismissal is outlined in the Graduate Catalog.

1. Appeal of a program dismissal must be made by the student directly affected and must be made immediately following the departmental decision to the department head. Immediately, here, means within 10 business day of the date of the dismissal notification.
2. It is very important that the basis of the appeal is clearly understood. Appeals must be presented in writing and contain the following information:

(a) A clear concise statement about the student's desire and motivation for reinstatement must be provided;

(b) A brief summary of any prior informal attempts to resolve the matter and the results of those previous discussions; and

(c) A specific statement of the action or resolution sought.

3. If the student wishes further consideration after the previous step, within 5 business days of the date of the written response from the department head, the student may appeal to the dean of the college in which the academic program department is housed only if the student has new evidence pertaining directly to their case that was not reasonably available at the time of the initial appeal or contends that the procedures outlined here were not followed. The student would submit a written formal presentation of the case, with all related supporting documents, to the dean. Should the dean determine that there is no new relevant evidence or that procedures were properly followed, the appeals process is completed and the student appellant will be notified in writing within 5 business days. If the dean agrees that there is new relevant evidence or that procedures were not followed, an ad hoc hearing committee will be appointed. The committee will be composed of three faculty members from the college in which the academic program is administered. The committee will select its own chairperson. The committee will review the documents and can then either reject the appeal on the basis of its content or proceed to investigate further. The committee will have full cooperation of all parties in gathering information and conducting interviews for the hearing. The committee shall have the authority to recommend that the student be retained in the program or confirm the original dismissal decision of the department. Review by the committee should be completed within 15 business days of the submission of the written presentation of the case to the dean by the student appellant. The committee recommendation will be conveyed to the dean of the college who will notify the department head and student appellant in writing of the committee's decision.

Other Academic Grievances

Other grievances relating to an instructor will proceed through an appeal to the department head, dean of the college, and Executive Vice President for Academic Affairs and Provost. The Executive Vice President for Academic Affairs and Provost will evaluate the grievance to determine if the charge and evidence warrants initiating proceedings against the instructor under the appropriate provisions in the "Regulations on Academic Freedom and Tenure" approved by the Board of Trustees.

COURSE SYLLABI

The Deans' Council in August, 1999, and September, 2012, reviewed and recommended guidelines for creating and distributing course syllabi. Syllabi should be distributed in each class during the first week of the semester. For electronically delivered classes, syllabi should be posted when the course is developed. At a minimum, the following information should be included for both face-to-face and electronic course delivery:

A. Course number (e.g., HIST 1503; to also include the appropriate Arkansas Course Transfer System, or ACTS, course number when applicable)

B. Course title

C. Name of instructor, office hours, contact information (telephone, email)

D. Catalog description

E. Text required for course

F. Bibliography (supplemental reading list)

G. Justification/rationale for the course

H. Course objectives

I. Description of how course meets general education objectives (courses included in the general education component should show how the course meets one or more of the objectives contained in General Education Objectives listed in undergraduate catalog)

J. Assessment methods (include grading policy with specific equivalents for A, B, C)

K. Policy on absences, cheating, plagiarism, etc.

L. Course content (outline of material to be covered in course).

UTILIZATION OF CLASS TIME

Faculty members are to meet their classes at the time and for the period scheduled. Early dismissals or absences for legitimate purposes should be considered only after consultation and approval of the Department Head or College Dean.

STUDENT SUPPORT HOURS

Faculty should adhere to best practices in student support by maintaining clear and responsive communication, including acknowledging or responding to electronic student inquiries within 24 hours, except during holidays, weekends, or school closures. Each faculty member should establish a communication policy outlining preferred contact methods and response expectations, ensuring accessibility by including this information in course syllabi or posting it on Blackboard. Student hours, which provide academic advising, guidance, and mentorship outside of scheduled class sessions, must be scheduled for six hours per week and distributed across different days and times to accommodate diverse student needs. These hours should take multiple formats-including in-person, virtual, drop-in, and by appointment-and be proportionally allocated based on instructional modalities. For example, a faculty member teaching six credit hours in face-to-face courses and six credit hours in online/HyFlex courses might schedule three in-person and three virtual student hours per week. To ensure accessibility, student hours must be clearly listed in the course syllabus and posted in a visible location, such as on or near the faculty member's office door. *Board Approved May 21, 2026.

SPECIAL COURSES

Evening Classes

In order to accommodate the educational needs of residents of the University's service area who, for various reasons, cannot attend regularly scheduled day classes, a variety of evening courses are scheduled each semester during the hours of 5:00 p.m. to 9:30 p.m. All rules and regulations applying to the regularly scheduled day classes also apply to evening courses. Information pertaining to registration for evening courses will be published in the schedule of courses which is promulgated each semester and summer term.

Off-Campus Courses

Arkansas Tech University endeavors to render an educational service to those persons in every community who cannot, for one reason or another, attend the regular sessions of the University. One of the credit-type programs offered by the University for this purpose is off-campus courses taught in cities and communities in the University's service area.

Regular faculty members teach graduate and undergraduate courses at centers in which classes of sufficient size can be organized. Off-campus courses generally carry three hours of credit and are identical in content with the courses offered on campus.

Requirements for enrolling for credit in off-campus courses are basically the same as those for enrolling in on-campus residence courses for credit. Students must complete an admission application and submit a copy of transcripts of all their previous college work. Transcripts must be sent directly from the issuing institutions to the office of the Registrar at Arkansas Tech University.

Tuition for off-campus residence credit is the same as that for residence credit classes on campus. (Adjustments may be made due to contractual agreements with other academic institutions or entities.)

Conferences, Institutes, Seminars

The University assists groups from all professions and vocations by planning and conducting educational activities to help members of those groups to keep informed about new developments in their field of work. Tuition fees vary in relation to the costs of conducting the program, but in all cases the expense for participants is minimal.

Conferences, institutes, and seminars conducted by the University are generally required to meet five basic requirements: (1) the program must be of an educational nature and be planned for off-campus people; (2) it is planned to help participants gain a better understanding of problems related to their professional or personal interests; (3) it is planned and conducted jointly by participants, University faculty members, and conference consultants; (4) it usually absorbs the major part of each participant's time while in session; and (5) the programs can be offered for credit or non-credit depending on the nature and purpose of the activity.

Non-Credit Courses

The University offers a variety of non-credit courses in a variety of subjects. Courses are available with rotating start dates every month. All classes are open for enrollment to the public and do not require admission to the University.

Instructional Design Team

The Instructional Design Team facilitates faculty development by emphasizing pedagogical foundations and technology integration in the design and delivery of quality, engaging courses.

Course developers work under the auspices of the university's approved Course Ownership Policy. A copy of the policy is included on page 185 of the *Faculty Handbook*.

The University uses Blackboard as its learning management system. Links are available on the college's Resources site (https://bblearn.atu.edu/) for the most current version of Blackboard and additional support materials.

The *Faculty Handbook* requires teaching be evaluated by a standard, university-wide student evaluation.

FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)

As stated in the Arkansas Tech University catalogs, FERPA legislation seeks to assure confidentiality of the educational records containing information directly related to a presently enrolled student, a former student, or alumni. As a matter of policy, Tech makes every effort to abide within the confines of confidentiality and security of educational records as prescribed in the FERPA laws and regulations. For more information on FERPA, please go to http://www.atu.edu/ucounsel/

Questions about specific access to information or the release of information to any third party should be referred to the Registrar's Office or the Student Affairs Office.

V.

SELECTED ADMINISTRATIVE PROCEDURES AFFECTING THE FACULTY

Deliverance systems for various curricula are immediately dependent upon workable administrative procedures. Accordingly, the following policies and procedures have evolved as effective ways and means of achieving instructional ends.

FACULTY HANDBOOK

Proposed changes to the *Faculty Handbook* are reviewed by the Faculty Senate when feasible before revisions are incorporated into the *Handbook* and distributed to the faculty at large.

COURSE OFFERINGS AND CHANGES IN CURRICULUM

Course offerings and curricular changes pertaining to the teacher education program (undergraduate and graduate) are reviewed by the Teacher Education Council before being forwarded to the appropriate committee for action. Curricular items at the undergraduate level must be approved through the Curriculum Committee prior to submission to the Faculty Senate for action; items at the graduate level are submitted to the Graduate Council. Proposals approved by the Faculty Senate/Graduate Council are transmitted to the Executive Vice President for Academic Affairs and Provost for implementation.

POLICIES AND PROCEDURES FOR SCHEDULING COURSES

Procedures for registering and enrolling in classes are included with the list of course offerings that is published for the semester/term.

Additional information on academic advising procedures can be found on page 202.

Course offerings have four-digit numbers which identify courses within each department. The first digit of the number denotes the level at which the course is given, the second and third digits differentiate the course from others in the department, and the fourth digit shows the number of credit hours given.

The courses offered are determined to some extent by the desires of the students, the teaching capabilities of the faculty, and by the judgment of the faculty and administration as to what constitutes a well-rounded course of study in each department. The general education program was devised by the faculty and administration after considerable study as to what constitutes the basic knowledge and concepts that every college graduate should have.

SELECTION OF TEXTBOOKS

The University does not furnish textbooks to the instructor. Publishers may provide teachers copies of textbooks if these are requested either by the instructor or by the Department Head. If necessary, the Bookstore is authorized to issue a desk copy to any faculty member upon the presentation of a "Bookstore requisition" approved by the particular department concerned and coded to that department. Upon receipt of the new copy from the publisher, proper credit will be issued the department concerned provided the new copy is not marked "Complimentary." Replacement desk copies must be forwarded to the Bookstore within sixty days so the book can be sold or returned to the publisher for credit to the University.

The primary consideration in the selection of textbooks is the contribution to the effectiveness of instruction. However, some consideration should be given to the student in not requiring multiple textbooks which would involve an undue cost. Please go to the Faculty Resources page for a more detailed "Statement Concerning Selection of Texts". Since the Bookstore buys used textbooks for resale, the Deans of the Colleges, Department Heads, and other faculty members share with the manager of the Bookstore responsibility for avoiding waste and loss in the stocking of textbooks. Required and optional textbooks must be consolidated by Department Head and listed on "Bookstore Textbook and Supply Questionnaire" forms and then submitted through the Dean of the College to the Bookstore for acquisition. Acts 175 and 105 of 2007 require specific dates for textbook selection and prohibit inducements for requiring students to purchase a specific textbook.

TEXTBOOK ROYALTY POLICY

Arkansas Code 6-60-602 (a) prohibits a department or employee of a state-supported institution of higher education from demanding or receiving any inducement for requiring students to purchase a specific textbook for coursework or instruction. The code further stipulates that the section does not prevent an employee from receiving royalties or other compensation from the sale or publication of a textbook that includes the employee's own writing or work.

However, to assure there is not a conflict of interest, according to A.C.A. § 6-60-604, "A state supported institution of higher education shall establish guidelines for the use of royalties received by a faculty member from the sale of textbooks and course materials for classes taught by the faculty member". Arkansas Tech University has already published a policy related to class materials which is located in the *Faculty Handbook* but the issue of textbooks was not clearly addressed within that policy.

In keeping with the spirit of the law referenced above, Arkansas Tech University proposes the following policy related to a faculty member requiring a textbook in which the instructor is listed as either an author or co-author and for which he or she may be entitled to royalties:

> If a faculty member intends to require the use of a textbook in one or more of his/her classes, and the faculty member is either an author or co-author of the textbook from which the faculty member is entitled to royalties, he/she must notify the appropriate department head. The department head will then notify the Office of Academic Affairs and supply any additional information associated with the textbook selection (specific information regarding the book and the faculty member's explanation regarding why that particular book is the most appropriate choice). Academic Affairs will submit the request, along with any additional pertinent information regarding the selection, to the Faculty Salary, Benefits and Awards Committee.

The Faculty Salary and Benefits Committee will review the request with the purpose of determining whether the faculty member is requiring the specific textbook based on academically defensible reasons or whether the requirement is an attempt to profit from the purchases by the students in violation of AR Code 6-60-602. The committee will ask the faculty member to provide a rationale for selecting the textbook. If the committee is unable to justify the use of the textbook based on the information provided, or is undecided, the committee will solicit an opinion from a specialist in the field. If the committee determines that the selection is academically defensible, no further action is necessary. The committee will inform Academic Affairs and the appropriate Department Head of the decision. The faculty member may use the textbook and will be entitled to any royalties to which he/she may be entitled. If the committee determines that selection of the textbook violates Arkansas Code 6-60-602, the committee will recommend to the Executive Vice President for Academic Affairs and Provost that the faculty member be directed to either withdraw his/her request to use the textbook or, if the faculty member decides to use the textbook in his/her course, to relinquish any compensation that is in violation of AR Code 6-60-602. The committee will inform Academic Affairs and the appropriate Department Head of the decision, and inform the faculty member regarding his/her right to appeal the decision to the Executive Vice President for Academic Affairs and Provost whose decision will be final.

FACULTY-PRODUCED INSTRUCTIONAL MATERIALS

When adequate instructional materials (print and non-print) are unavailable to support course curriculum requirements, appropriate instructional material may be developed to fulfill this need. Such proposals must include a needs assessment, including courses affected and approximate number of students in those courses; an explanation of why available material will not satisfy the need; and an outline of the proposed material.

The proposal is then considered by the department, and the recommendation of the Department Head is submitted to the Dean of the College. Upon the Dean's approval, the proposal is forwarded to the Executive Vice President for Academic Affairs and Provost for consideration.

Following approval by the dean and Executive Vice President for Academic Affairs and Provost, adequate release time is made available to the faculty member(s)/author(s) to develop the instructional material. The Executive Vice President for Academic Affairs and Provost and the Dean of the College determine an appropriate departmental royalty not to exceed two (2) dollars per copy. (Institutional policy prohibits payments of royalties to employees.) The Executive Vice President for Academic Affairs and Provost informs the Vice President for Administration and Finance that the publication/duplication has been approved and the departmental royalty has been determined.

The Department Head arranges for the production of the material with the Vice President for Administration and Finance. The Bookstore Manager, at the direction of the Vice President, coordinates actual production of the material. The number of copies to be produced is determined by the Department Head. Obsolete copies may be charged back to the departmental supply and service budget in the current or succeeding year(s) at cost.

Faculty-produced materials are subject to the standard mark-up for new texts. Departmental royalties are paid in the form of bookstore credits to the departmental supply and service budget upon completion of an inventory of publications sold. (University policy generally provides that monies may be transferred between budget pools upon proper approval.) Such inventory should be completed no later than 30 days after the first day of class in each term.

FACULTY LIBRARY PRIVILEGES

Faculty members enjoy generous circulation privileges for all circulating library materials. For the most current version of circulation policies and responsibilities, or to search the library catalog for materials, please see the library website: http://library.atu.edu

It is the responsibility of each faculty member to know and understand the policies for the circulation on library materials.

Should a title charged to a faculty member be needed by someone else, the library will send a recall notice requesting the return of the item. Because these materials may be essential to a student's or another faculty member's academic success, these requests should be honored promptly. The library may enlist the aid of Deans and administration in recovering needed materials.

While overdue fines are not currently charged to faculty members, faculty may be responsible for replacement costs and lost item fines for any material not returned within the timeframe specified by the library policy. For more information on faculty borrowing privileges and library policies, see the library's website.

Interlibrary loans are requested for faculty members at no additional charge. However, any surcharges passed on by lending libraries are the responsibility of the borrowing faculty member.

Inquiries about library policy should be directed to the library director. Recommendations for policy changes should be submitted to the director, your departmental library liaison, or to a member of the Library, Instructional Materials and Equipment Committee.

USE OF COMPUTER

The University's information system network is a continually growing and changing resource supporting thousands of users and systems. Information system resources are vital for the fulfillment of the academic, research and business needs of the University community. Use of information system resources is a privilege. All users are expected to use Arkansas Tech University resources in a responsible manner consistent with Arkansas Tech University policies, guidelines, and operating procedures. Policies regarding appropriate use of computer resources can be found at

https://support.atu.edu/support/solutions/articles/7000019369-appropriate-use-of-computer-resources

SCHOLARSHIP REQUIREMENTS

Information relating to graduation requirements, standard class loads for students, standards of scholarship, probation, suspension, and eligibility for student employment is provided in the current undergraduate and graduate catalogs.

COURSE OWNERSHIP POLICY

Work Made for Hire

Arkansas Tech University may enter into a contract with an employee of the University to develop a specific on-line course or other distance learning product. Pursuant to the terms of the contract, the employee will be paid for the development of the course. The University will also provide all resources for the work and the work is to be carried out totally as a part of the faculty or staff member's assigned time.

When the University contracts with an employee for the development of a specific on-line course or other distance learning product, it will be considered a work made for hire for a period of two years from the date the course is first offered (e.g., August 23, 2002 to August 23, 2004). However, two years after the course has been developed, and upon approval of the Executive Vice President for Academic Affairs and Provost, the course can also be used by the employee who developed it, for other teaching, research and scholarly purposes.

Totally Faculty or Staff Generated

Arkansas Tech University faculty or staff may create an on-line course or other distance learning product as the result of their own individual efforts on his or her own personal time without any direct support from or through Arkansas Tech and without the use of any Arkansas Tech University resources beyond those normally provided by the University.

Courses and distance learning products developed without University funds will remain the property of the course developer. The individual will own all the resulting intellectual property, may receive compensation for the work and retain distribution rights.

However, in the event that the course is taught at Arkansas Tech University, the University will have the right to use the course material for one semester after the final semester that the course is offered. This retention of rights is to protect the student in the event that a professor becomes ill or is otherwise unable to complete his or her teaching assignment. This will also allow the University to complete its obligation to the student when a grade of "I" is assigned by an instructor who then leaves the University or by an instructor who is otherwise unable to assist the student in completing the course.

"Arkansas Tech University" is a registered trademark belonging to Arkansas Tech University. With Faculty/Staff Generated on-line courses or other distance learning products, Arkansas Tech University reserves the right to control whether and in what manner the institution's name or logo is displayed in association with the work.

CLASSIFIED EMPLOYEES

Faculty who supervise classified employees should familiarize themselves with the *Staff Handbook* located on the Human Resources website.

STUDENT LABOR

Arkansas Tech University provides part-time work for a large number of students each year. In many instances' faculty members are assigned students to help them with their general office work. Others are assigned to the library, laboratories, and other places on the campus.

The basic purposes of the student work program are to provide financial assistance to students who need this aid and to provide the University with needed services which the students can render.

A faculty member responsible for the supervision of student workers should familiarize themselves with the *Student Employment Handbook* located on the Human Resources website and also see that the student develops good work habits and a sincere sense of responsibility. This work experience on the part of the student should be a good training opportunity.

Information concerning student assistance programs may be obtained from the Student Financial Aid office in the Student Services Building or by going to their website http://www.atu.edu/finaid/

FACULTY MAIL

Intra-university faculty mail and communiqués are distributed through campus mail facilities.

Official University outgoing mail is collected for stamping and transmission to the post office. Accounting regulations, which require that postage for official mail be charged to the department in which the mail originates, require the mail from a department be bound together and a postage charge slip (copy obtainable at the campus post office) attached. Envelopes should be left unsealed with envelope flaps down to accommodate the postage meter processing. Mailing which does not conform to the prescribed procedure, and which cannot be identified, will be opened by the mail clerk and returned to the department.

Since University mail goes directly to the post office, personal mail may be included, but it is the responsibility of the Dean or supervisor in whose box the mail is placed to assure that proper postage is affixed to the personal mail. Personal mail must be bound separately from official mail. Inter-campus mail and mail to be metered should also be bundled separately.

The services of the United States postal substation at the ATU Post Office are available for other incoming and outgoing mail. Private boxes may be rented at the individual's expense. The postal code number of the University is 72801-2222.

USE OF UNIVERSITY VEHICLES AND REIMBURSEMENT FOR TRAVEL

Reimbursement for expenses incurred while traveling on official business (University transportation or private vehicle) shall be in accordance with the "Travel Policies and Procedures" section of the current Manual of Business Office Policies and Procedures. Detailed information concerning the preparation of travel and reimbursement request forms, maximum travel allowances, and insurance

coverage is provided in the manual which is available on the Tech website: https://www.atu.edu/travel/index.php. Click on forms and then Travel Manual. All travel questions should be directed to the Travel Office. Please note that all out of country travel must be pre-approved by the traveler's Vice President.

PREPARATION OF OPERATING BUDGET

The operating budget of a university is a multifaceted planning document which has controls and provides commitments with stated performance measures. It is a fiduciary enabler with assurances to the Board of Trustees or state authorities that revenues and expenditures will be kept in balance and that institutional assets will be appropriately conserved or will grow proportional to future needs. The operating budget preparation is a primary responsibility of the president.

Budget planning and priorities are developed by the Budget Advisory Committee, of which the President is a member. The Vice President for Administration and Finance who serves as the chairperson, Vice President for Academic Affairs, Vice President for Enrollment Management, Vice President for Student Affairs, Athletic Director, Chief Financial Officer of the Ozark Campus, Academic Budget Coordinator, Director of Budget, Director of Institutional Research, Legal Counsel, Chairperson for Faculty Senate or their representative, Chairperson for Staff Senate or their representative, and Chairperson for SGA or their representative.

PROCUREMENT PROCEDURES

All purchases are made by Procurement Services. Prior planning must be exercised to submit requisitions in time to allow for obtaining quotes, awards, reporting and obtaining delivery. In case of an emergency, contact Procurement Services for instructions.

Procurement and Risk Management Services operate under the State of Arkansas Procurement Law and Rules set forth by the Office of State Procurement.

Only the Purchasing Department has the authority to issue purchase orders. Requisitions are "requests" for commodities or services, and do NOT constitute a legal order. *Orders placed by an individual without a purchase order are the financial responsibility of that individual.*

For more information please visit the Procurement and Risk Management Services website at www.atu.edu/purchasing

CONTRACT AND AGREEMENT

Any contract or agreement MUST be reviewed by Procurement and by Legal Counsel before it is executed.

Only individuals with contractual authority for the University may sign these documents.

Russellville Campus:
- President
- VP for Administration & Finance
- Director of Procurement and Risk Management Services

Ozark Campus:
- Chancellor at Ozark Campus
- Chief Fiscal Officer at Ozark Campus

No one else can legally bind the University and guarantee payment.

PROHIBITION AGAINST PURCHASES OF COMMODITIES FROM EMPLOYEES

The following policy was approved by the Board of Trustees on March 21, 1991.

Act 483 of 1979, titled "An Act to Prescribe Ethical Standards for State Employees and Non-employees in State Procurement Activities; and for Other Purposes," section 4, "Employee Conflict of Interest," prohibits payments to employees for purchases of commodities. Commodities means commodities as defined in the State Purchasing Law.

Questions concerning this policy should be directed to the Purchasing Agent or Vice President for Administration and Finance.

TOBACCO-FREE POLICY

Effective August 1, 2009 use of any tobacco product, including, but not limited to, smoking, use of electronic cigarettes, dipping, or chewing tobacco is prohibited on campus. This policy shall be enforced by the Arkansas Tech University Department of Public Safety. “Campus” means all property, including buildings and grounds that are owned or operated by Arkansas Tech University.

“Electronic cigarette” (also known as “e-cig” or “e-cigarette”) means a battery or USB powered device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

“Smoking” as that term is used in this policy means inhaling, exhaling, burning, or carrying any:
(A) Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; and
(B) Other lighted combustible plant material.

Employee Discipline

Employees who violate this policy shall be disciplined as follows:
(A) First offense – written warning
(B) Second offense – written reprimand placed in personnel folder
(C) Third and subsequent offenses - $50.00 fine

Pursuant to Act 743 of 2009, beginning August 1, 2010, any person who smokes on campus shall in addition to the penalties set forth above, be guilty of a violation and upon conviction in Russellville District Court, shall be punished by a fine of not less than ($100) one hundred dollars nor more than ($500) five hundred dollars.

DEPARTMENT OF PUBLIC SAFETY

Law Enforcement Authority

Department of Public Safety (DPS) Officers are law enforcement officers of the State of Arkansas and are professionally trained and certified by the Arkansas Commission on Law Enforcement Standards and Training. DPS law enforcement authority comes from Arkansas State Statute 25-17-304 which confers upon the President of a state institution or higher education the right to create a University agency with the same powers and authority as any municipal, county, or state police agency in Arkansas. DPS officers have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If any minor

offenses involving a violation of Arkansas Tech University rules and regulations are committed by a University student, DPS officers may also refer the individual to the Office of Student Conduct.

Law Enforcement Jurisdiction

All service drives, alleyways, parking lots, any real or personal property owned or controlled by Arkansas Tech University and which is physically located within the Russellville city limits or elsewhere, shall fall under the jurisdiction of DPS. DPS works closely with other federal, state, and local law enforcement agencies including the Russellville Police Department, Pope County Sheriff's Office, Arkansas State Police, Fifth Judicial Task Force, Ozark Police Department, and Franklin County Sheriff's Office. DPS also maintains Mutual Aid Agreements, under the laws of Arkansas, with the Pope County Office of Emergency Management, Russellville Police Department, Pope County Sherriff's Office, and surrounding agencies. This agreement allows each department to provide assistance when necessary, for the purpose of investigating alleged criminal incidents. All members of the campus community are encouraged to cooperate fully with police personnel for their safety and convenience of everyone.

Reporting Crime or Emergencies On-Campus

To maximize safety on campus, DPS strongly encourages anyone with knowledge about any crime, suspicious activity, or unsafe actions or conditions on campus to make an immediate and accurate report to DPS in person or by telephone. Reporting does not mean you must take legal action; however, it may help law enforcement stop further incidents as well as help keep the community informed about criminal activity. All crimes should be reported to DPS to aid in providing timely warnings or emergency notifications to the community when appropriate and for inclusion in the annual crime statistics disclosure.

Call 911 in an emergency if you are the victim of or witness to a crime and need police, fire, or medical assistance. In nonemergency incidents reports can be made in person at the Department of Public Safety, located at 716 North El Paso Avenue, Russellville, AR, 72801 or call (479) 968-0222 to speak with an officer. Arkansas Tech University students requiring non-emergency medical care and counseling services may contact the ATU Health and Wellness Center at (479) 968-0329.

Emergency Alerts

The University is committed to the safety and well-being of its faculty, staff, students, and visitors to the campus. Upon the confirmation of a significant emergency or dangerous situation that poses an immediate threat to the health or safety of students or staff occurring on the campus, a notification will be made without delay to the University community. The University initiates the notification to the community using the ATU Alert system. Emergency messages will be sent out via text messaging, email, phone calls, desktop notification, digital signage, ALERTUS notification system for large gathering areas, and RSS feed on the University website at www.atu.edu.

Security of and Access to Campus Facilities

The ATU campus is made up of a variety of facilities, primarily student residences and academic/administrative buildings. Academic/administrative facilities are open during normal business hours (8:00 AM to 5:00 PM) to faculty, staff, students, and University guests. After-hours access to locked academic and administrative buildings is restricted to authorized persons holding keys or electronic access cards for the facilities. After-hours access is limited to those who have authorization through their status as students, faculty, staff, or visitors in connection with special

events or invitation. This access is granted through the ATU Card Office and/or DPS. Public Safety Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters.

Residence halls are for the use and enjoyment of the residents of the building and their guests. Students residing in residence halls are given keys and/or an electronic access card to their residence halls. All residence halls, except University Commons, Vista Place Apartments, and Stadium Suites, have an electronic card reader on the exterior entrances. Exterior doors remain locked 24 hours a day. Interior hallway doors are to be locked at all times. Access to the individual rooms is limited to the residents and authorized University employees who must follow procedures established to protect the safety of the residents. Public Safety Officers and Residence Life staff monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Security Awareness and Crime Prevention Programming

The safety awareness programs and crime prevention programs at ATU are based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and employees to be responsible for their own security and the security of others.

DPS in cooperation with other University organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community annually and more often depending on the program type. The Department of Public Safety in collaboration with other University departments offer crime prevention programs throughout the year to raise awareness for a variety of topics including, but not limited to, suicide prevention, sexual assault, dating violence, harassment, and hazing prevention.

DPS conducts the following security awareness and/or crime prevention programs for students each year: Residence Life Staff Training, CRASE (Civilian Response to Active Shooter Events), Emergency Preparedness Month, which includes CPR/AED certification course, weather spotting course, First 15 Minutes course, and Emergency Preparedness Expo, and New employee orientation.

The Annual Security and Fire Safety Report

This report includes statistics for the previous three years containing reported Clery reportable crimes and fires that occurred: (1) on-campus; (2) in certain off-campus buildings or property owned or controlled by Arkansas Tech University; and (3) on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies about campus security and policies addressing domestic violence, dating violence, sexual assault, and stalking. In accordance with the Clery Act, the Arkansas Tech University Russellville Campus (ATU Russellville) and the Arkansas Tech University Ozark Campus (ATU Ozark) are each defined as separate campuses and the current Annual Security and Fire Safety Report contains information for both campuses (Russellville and Ozark). The complete Annual Security and Fire Safety Report, can be found as a digital version at https://www.atu.edu/psafe/cleryreport.php.

Drug Free Workplace

State agencies that receive federal funds certify that they will maintain a drug free workplace. Failure to do so may result in a suspension of contracted payments, contract termination or debarment from future government awards. Any employees violating this policy will be subject to discipline up to and including termination. State agencies, boards and commissions are required to certify that they are in compliance with the Drug Free Workplace Act of 1988. It is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance

in a state agency's or institution's workplace is prohibited. Violation of this policy can subject employees to discipline up to and including termination.

Accordingly, the following are policy statements which shall govern the various forms of controlled substance abuse on the university campus or in the university workplace.

1. The university will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way illegally transfers a controlled substance to another person, or illegally sells or manufactures a controlled substance, or illegally uses a controlled substance while on the job, on university premises, or in university vehicles will be subject to discipline up to, and including, termination.

2. The term "controlled substance" means any drug listed in 21 USC §812 and other federal regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, "crack", and "ice". Also included are legal drugs which are not prescribed by a licensed physician.

3. Each employee is required by law to inform the university within five days after he or she is convicted of violation of any federal or state criminal drug statute if such violation occurred on university premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

4. The university will notify the federal funding agency of the conviction of any employee for drug use or abuse who is employed in a position utilizing federal funds or a federal grant within ten days of receiving notice of the conviction from the employee or otherwise receiving actual notice of such conviction.

5. If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to, and including, termination. Alternatively, and at the sole discretion of the university, the employee may be required to successfully complete a drug rehabilitation program sponsored by an approved private or government institution.

6. Abiding by the Drug-Free Workplace policy is considered to be a condition of employment for all university employees. Human Resources will ensure that all employees acknowledge, in writing, receipt of a copy of this policy.

Parking and Traffic Information

A complete list of parking and traffic information may be located at https://www.atu.edu/psafe/park-info.php. The regulations include information on the following important topics:

Accessible Parking: As required, a number of parking slots have been set aside for use by permanently handicapped individuals only. Each space has been marked with signs and or blue and white paint on the space. If these spaces are full, you may park in any color zone, but not in spaces marked as loading zones, timed parking and reserved, as long as you display your valid disability license plate or placard. Vehicles found illegally parked in these spaces are subject to towing and impoundment fees. Only individuals who have been issued, and are displaying, a disability license plate or placard issued by the State of Arkansas are permitted to park in spaces marked with blue and white stripes. Vehicles must also have valid Tech hangtag. License plates, decals and placards may

be obtained from the State Revenue Office at 105 South Rochester, Russellville, AR. For information, call (479) 968-1526. Transfer of a disability license or placard is a violation of the Arkansas state law. The offender will be ticketed accordingly. Persons requesting temporary disability status for parking must be authorized by the ATU Health and Wellness Center located in Doc Bryan and, if eligible, then obtain a special Temporary hangtag from DPS. You will then be eligible to park in the areas marked RED or handicapped space only for the dates specified.

Ticket Appeals: All appeals will be dealt with according to the rules and regulations stated in the Parking Booklet. All appeals must be made within three school days. Appeals made after three school days will not be considered. All faculty, staff and student appeals should follow the stated procedures. Appeals should be done online. Go to Onetech, Purchase Parking permit and the appeal form is on the same page.

THE CONSTITUTION OF THE FACULTY SENATE OF ARKANSAS TECH UNIVERSITY

ARTICLE I: NAME AND PURPOSE

Section 1: **Name** - The name of this organization shall be the Faculty Senate of Arkansas Tech University.

Section 2: **Purpose** - The Faculty Senate shall act for the faculty in all curricular matters other than those involving changes in general academic policies and for the faculty or the administration on matters referred to it for action; it shall serve as an advisory body to the faculty on matters involving academic policies; it shall serve as an advisory body to the faculty and administration on proposed changes to the *Faculty Handbook*, and to the administration or the faculty, as appropriate, on any other matters of general concern to the University.

ARTICLE II: MEMBERSHIP AND TERMS OF OFFICE

Section 1: **Elective Membership** - One Senator shall be elected by each of the academic departments of the University, including the Library; additionally, two Senators shall be elected by each College. One adjunct faculty member will also serve as a Senator with full voting privileges. There may be no more than two Senators elected from any one department.

Section 2: **Restrictions upon Membership**

Paragraph A: All faculty with the rank of Assistant Professor/Assistant Librarian/Instructor or above are eligible for elective membership in the Senate.

Paragraph B: No administrative officers above the position of Department Head shall be eligible for membership in the Senate.

Paragraph C: One adjunct faculty member will also serve as a full voting member of the Faculty Senate. This Senator is exempt from the restrictions in Paragraph A

Section 3: **Terms of Office**

Paragraph A: All elective members of the Senate shall serve for three years. No senator may serve more than two consecutive three-year terms.

Paragraph B: The terms of membership of all initial elective and appointive members of the Senate shall be considered as having begun on July 1, 1953.

Revised 7/1/22

Section 4: Vacancies in the Senate

Any elective membership in the Senate shall be considered vacant when its incumbent ceases to be eligible for membership according to Article II, Section 2, of this Constitution or when its incumbent is granted a leave of absence from the University. Such vacancies shall be filled temporarily for the period of the leave of absence by Department or College election within thirty days from the time of the beginning of their existence.

ARTICLE III: OFFICERS -- THEIR DUTIES AND MANNER OF ELECTION

Section 1: Officers of the Faculty Senate

Paragraph A: The Senate shall have a chairperson. The powers of the chairperson include:

1. Presiding at Senate meetings;
2. Voting upon motions under consideration by the Senate;
3. Contacting and sharing information with the Faculty Senate members and/or the entire University faculty as and when deemed necessary.

Paragraph B: The Senate shall have a vice chairperson. The vice chairperson is the president elect of the Faculty Senate. The powers of the vice chairperson include:

1. Presiding at any meeting of the Senate which the chairperson is unable to attend;
2. Voting upon motions under consideration by the Senate;
3. Contacting and sharing information with the Faculty Senate members and/or the entire University faculty as and when deemed necessary if the chairperson is unable to do so.

Paragraph C: The Senate shall elect one of its members as secretary except that no member, having so served for a year, shall be eligible again during the same term of office.

Section 2: Manner of Election of Officers

At the regular annual election, voting faculty will be presented with a slate of names of all senators who have two full remaining years in their terms and agree to be on the slate. From this slate, the voting faculty at large will select the chairperson elect for the next year. The chairperson elect will additionally serve as vice chairperson. It is expected that all senators on the slate should be willing to serve as chairperson/chairperson elect, if chosen by their peers. If, however, a chosen individual becomes unable to fulfill his/her term as chair elect and/or chair, then the Senate will vote on how to choose a replacement, either through another faculty-wide election or an election among the senators.

Revised 7/1/22

Additionally, while it is important to present a competitive slate to the faculty at large, senators should understand that the chair position is a time-consuming and challenging job. In the unusual event that a senator believes that s/he cannot perform the job, s/he may ask to have his/her name removed from the slate before the faculty-wide election.

In the March Faculty Senate meeting, the Faculty Senate will produce a list of eligible, qualified and willing sitting senators as candidates to be included for popular election to Senate Chair. The election of the Senate Chair occurs in the regular annual election, typically held in April for the coming academic year beginning in August. The winning senator (chairperson elect) will then serve as Vice Chair of the Faculty Senate during the upcoming academic year and then take office as Chair of the Faculty Senate the following academic year, per existing procedure.

The secretary will be elected at the first fall meeting of each academic year.

ARTICLE IV: MEETINGS

Section 1: **Called Meetings** - The Executive Vice President for Academic Affairs and Provost of the University shall call a meeting of the Senate within three weeks after the beginning of each fall semester to chair the election of officers and to establish a time for the Senate's regular meetings during the academic year. A called meeting of the Senate may be convened at any other time at the request of the chairperson of the Senate or of at least three other Senators.

Section 2: **Regular Meetings** - The Faculty Senate shall meet in regular session each month of the academic year at the time and place designated by the Senate in its first called meeting of each fall semester, except such times as the regularly established meeting date may coincide with a school holiday or with a vacation period.

ARTICLE V: RATIFICATION AND AMENDMENT OF THE CONSTITUTION

Section 1: **Ratification** - This Constitution and attached By-Laws shall be considered as ratified and in force upon their being approved by two-thirds of the elective members of the Senate, by a majority of those voting in a regular convened meeting of the faculty of the University, and by the Board of Trustees.

Section 2: **Amendment** - The Constitution or the By-Laws of the Senate may be amended in the following manner:

a. The proposed amendment shall be drafted and presented in duplicated form to each member of the Senate at least ten days before the meeting in which it is to be considered.

b. The proposed amendment shall be approved by two-thirds of the Senate in a regular meeting of the Senate.

c. The proposed amendment shall be approved by a majority of those voting in the next regular or special election of the faculty of the University.

d. The proposed amendment shall be approved by the Board of Trustees of the University.

ARTICLE VI: AMENDMENTS TO CONSTITUTION OF THE FACULTY SENATE

Section 1: Committee Voting Procedures

A. Proxy voting is not allowed for the Faculty Senate or other faculty committees.

Section 2: Faculty Handbook Changes

B. Changes to the Faculty Handbook of a substantive nature shall require approval by two-thirds of the Senate membership.

BY-LAWS OF THE FACULTY SENATE OF ARKANSAS TECH UNIVERSITY

ARTICLE I: ELECTION OF MEMBERS

Section 1: Time of Elections and Appointments

During the spring term of each year elections shall be held to fill the vacancies on the Faculty Senate which shall come into existence on the following July 1.

Section 2: Conduct of Elections

In the election of Senators from the different Colleges, each faculty member, regardless of rank, shall be entitled to vote for the Senator or Senators of his/her own College. A majority of the votes of the faculty of each College shall be necessary for election. All elections of Senators shall be by secret ballot.

ARTICLE II: AGENDA

The chairperson of the Senate shall cause to be duplicated and distributed among the members of the Senate, at least ten days before each regular meeting, an agenda for the consideration of the Senate in that meeting. Absence from this agenda of any matter of concern to the Senate, however, shall not preclude the Senate's consideration of or action upon that matter in the meeting.

ARTICLE III: CONDUCT OF MEETINGS

Section 1: Parliamentary Procedure

All meetings of the Faculty Senate shall be conducted according to standard parliamentary procedure.

Section 2: Quorum

Two-thirds of the Senators shall constitute a quorum and shall have the power to transact business as the Faculty Senate at any regular or called meeting.

Section 3: Method of Voting

In presenting a motion before the Senate, any member may stipulate that the motion be voted upon by secret ballot. Otherwise, voting in the Faculty Senate shall be conducted in whatever parliamentary manner may be called for by the acting chairperson. Each elective member present shall have one vote. Any motion shall be considered as having been passed by the Senate only if it shall have received the votes of a majority of the voting members present.

Section 4: Attendance at Meetings

Official meetings called by the Faculty Senate chairperson are open to the general university faculty and invited guests.

ARTICLE IV: MINUTES OF MEETINGS

The Secretary of the Senate shall keep accurate minutes of each meeting and cause them to be duplicated and distributed among the members of the Senate for approval, after which the approved minutes shall be distributed among the entire faculty.

GRADUATE ADDENDUM

The preceding chapters also relate to the graduate program and graduate faculty; the information delineated in this section of the *Faculty Handbook* relates primarily to the organizational structure and governance of the graduate program. Academic regulations exclusive to the graduate program and omitted from this *Handbook* are compiled in the current issue of the Arkansas Tech University *Graduate Catalog.*

ORGANIZATIONAL STRUCTURE AND GOVERNANCE OF THE GRADUATE PROGRAM

I. Administration of the Graduate Program

The graduate program is administered by the Dean of Research and Graduate Studies, who is directly responsible to the Executive Vice President for Academic Affairs and Provost. Policies governing the graduate program are developed by the Graduate Council; matters pertaining to the graduate teacher education program are reviewed and approved by the Teacher Education Council before being presented to the Graduate Council. Policies are then approved by the Executive Vice President for Academic Affairs and Provost, President of the University, and Board of Trustees.

II. Philosophy of the Graduate Program

Arkansas Tech University holds to the principle that graduate-level scholarship should be based on highly developed habits of critical judgment, independent thinking, creative initiative, and disciplined inquiry. Successful completion of the graduate program signifies that the student has acquired the research skills of an independent scholar, with expertise in a particular field of study.

It is not simply through classroom and laboratory instruction alone that students admitted to graduate study at Arkansas Tech University will acquire these skills. Rather, students should expect to draw upon independent resources to collect, organize, and synthesize research data and information in order to achieve scholarly expertise in the chosen field of study. Graduate study, then, aids the student to acquire the skills needed to identify important problems, to establish modes of inquiry, to formulate proposed solutions, and to communicate the interpretation of scholarly and research analysis.

III. Statement of Purpose and Goals of the Graduate Program

Purpose:

The purpose of the graduate programs at Arkansas Tech University is to provide graduate education opportunities in professional education and in the liberal arts to anyone who seeks and who is eligible for admission. The University has a particular interest in meeting the professional growth and advancement needs of certified teachers in the service region.

Goals:

The following goals are set forth for the University's graduate program:

A. To attract quality students well matched to the educational programs and social objectives of the University. These efforts will be without regard to age, race, religion, sex, or ethnic background, national origin, or sexual orientation.

B. To provide graduate curricula that ensures that the student acquires an understanding of: (1) research and the manner by which research is conducted, and (2) the subject matter, bibliography, theory, and methodologies of the field.

C. To develop an approach to learning and intellectual work which involves familiarity with research and problem-solving methods, the ability to synthesize knowledge from many sources, the capacity for self-directed learning, and a commitment to lifelong learning.

D. To assure that high intellectual standards are maintained, that students acquire both general and specialized knowledge, and that they are prepared for advanced scholarly study.

E. To encourage altruism by working toward a respect for diverse cultures, a commitment to world peace, a consciousness of the important moral issues of the time, and a concern for the welfare of mankind in general.

F. To provide opportunities for the graduate program to enhance the University's contribution by: (1) improving quality of instruction in the University's service area; (2) serving as a center for collecting and disseminating current instructional strategies and techniques; (3) offering consultative services to schools and industry for strengthening existing offerings, implementing innovative programs, and research activities; and (4) providing educational experiences that improve professional competencies.

IV. The Graduate Council

A. Purpose:

The Graduate Council shall be the body responsible for determining policy and establishing standards, criteria, regulations, and procedures for graduate study in accordance with policies of the Board of Trustees.

B. Responsibilities of the Graduate Council:

It is the responsibility of the Graduate Council to:

1. Review all proposals for graduate degree programs and courses and, at its option, existing programs.
2. Establish and review the criteria for membership on the graduate faculty.
3. Establish the minimum admission standards and the standards for continuation of graduate students.
4. Act upon petitions and appeals from the decision of the Dean of Research and Graduate Studies.
5. Consider any other matters relevant to the graduate program.
6. Authorize, recommend, or instruct the Dean of Research and Graduate Studies to take appropriate actions to affect the results of its decisions.

C. Membership Qualifications:

Faculty membership on the Graduate Council shall be limited to regular graduate faculty. Student membership shall be limited to those graduate students who have been admitted to candidacy for the master's degree. All Council members shall have full voting rights unless otherwise specified in Section D below.

D. Membership Composition:

The Graduate Council shall be composed as follows:

1. Colleges will have representation based on the number of graduate programs offered within the college. At no time will any one college have more than 5 representatives serving on the Graduate Council (at large members do not count in this number).

1-2 graduate programs:	1 representative
3-5 graduate programs:	2 representatives
6-8 graduate programs:	3 representatives
9+ graduate programs:	4 representatives

2. One doctoral faculty member elected by the graduate faculty holding doctoral graduate faculty status.

3. Three university at-large members to be elected by faculty.

4. Two graduate students serving as ex-officio, non-voting members: one appointed by the Dean of Research and Graduate Studies to rotate among the colleges who have not reached their maximum number of representatives, and one elected by the Graduate Student Council, whose membership shall not be bound by the representative cap.

5. The Dean of Research and Graduate Studies, who shall serve as chairperson of the Graduate Council. The Dean of Research and Graduate Studies may vote only in the case of a tie.

6. The Graduate Student Support Services Coordinator, who shall serve as Secretary, will be a non-voting member.

7. One non-voting member from the Library.

E. Faculty:

Elections: Only regular graduate faculty members are eligible to vote in its elections for the Graduate Council. Graduate Council elections shall be held as part of the general University Standing Committee elections.

Function: Responsible for determining policy and establishing standards, criteria, regulations, and procedures for graduate study in accordance with policies of the Board of Trustees.

F. Term of Office:

All elected members of the Graduate Council shall hold office for three calendar years from August 1 following their election, with the following exceptions:

1. Student membership shall be for a one-year term only.

2. Faculty membership shall be vacated on the date that any member terminates his/her faculty appointment.

3. Faculty membership shall be terminated when a member begins a leave of absence for a period of one regular semester or longer, but shall not be terminated when a leave of absence is granted for a summer term.

4. Membership shall be terminated from the date a member submits his or her resignation from the Council to the chairperson.

5. An elected faculty member of the Graduate Council may succeed himself/herself in office for as many terms as elected.

6. If, for any reason, faculty membership is terminated, a special election shall be held to complete the unexpired term in the college wherein the vacancy occurs. If, for any reason, a student membership is vacated, the chairperson of the Graduate Council shall appoint another qualified student. A graduate student who is appointed to complete an unexpired term is eligible for reappointment.

7. The term of the Dean of Research and Graduate Studies, who shall serve as chairperson of the Graduate Council, is unlimited.

G. Meetings:

There shall be one meeting of the Graduate Council each month of the fall and spring semesters (except May and December) and one meeting during each of the two terms of the summer sessions. The agenda for each regular and special meeting shall be prepared and distributed to each member of the Graduate Council no later than one week prior to each meeting. The time and place of each regular meeting, however, shall be announced to the entire graduate faculty no later than one full week prior to each meeting.

Special meetings of the Graduate Council shall be called by the chairperson of the Council in the following manner:

1. Upon the initiative of the chairperson of the Council.

2. Upon petition of three or more members of the Council.

3. Upon request of the Executive Vice President for Academic Affairs and Provost or the President of the University.

H. Quorum:

The presence of a majority of the total membership of the Graduate Council shall constitute a quorum for the transaction of all business.

I. Committees:

The Dean of Research and Graduate Studies shall establish standing committees and such ad hoc committees as are deemed necessary for the operation of the graduate program.

These committees shall be composed of members selected from the total graduate faculty. Chairpersons of all committees, however, shall be members of the Graduate Council.

Standing committees shall be appointed at the first meeting of the Graduate Council each academic year and shall serve one calendar year.

Ad hoc committees shall serve until their final reports are presented and they are dismissed by the Council.

All reports of committees shall be presented to the Council in writing and may also be presented orally if requested by the Council.

J. Officers:

Officers of the Graduate Council shall be the chairperson, the vice chairperson, the secretary, and such other officers as the Council deems necessary.

Chairperson: The Dean of Research and Graduate Studies shall serve as permanent chairperson of the Graduate Council.

Vice Chairperson: The vice chairperson shall be a member elected at the last regular meeting of each academic year, shall take office at the beginning of the following year, shall serve for a one-year term, and shall be eligible to succeed himself/herself.

Secretary: The Graduate Student Support Services Coordinator shall serve as Secretary and is a non-voting member.

K. Duties:

The chairperson of the Graduate Council shall call meetings of the Council, shall preside at all meetings of the Council, shall appoint members to ad hoc committees, shall report to the Council all communications from the Executive Vice President for Academic Affairs and Provost, and shall transmit to the Executive Vice President for Academic Affairs and Provost and to all graduate faculty members the published minutes of each meeting of the Council or any other published communications as the Council shall direct.

The vice chairperson of the Graduate Council shall call and preside at all meetings of the Council in the absence of the chairperson, or shall preside over the meetings when the chairperson shall vacate the chair and call on him/her to preside.

The secretary shall record the proceedings of Council meetings and perform such other duties as prescribed by the Council.

Duties of other officers designated by the Council shall be determined by vote of the Council.

L. Amendments:

This plan of organization for the Graduate Council shall be amended by a two-thirds vote of the total membership of the Graduate Council.

An amendment adopted shall become effective one month after its adoption unless:

1. held in abeyance for action by the Board of Trustees;

2. disapproved by the President of the University;

3. disapproved by the Board of Trustee.

M. Recommendations for Implementing Changes in the Graduate Council:

1. It is recommended that as a result of the reorganization of the University, if the appointed member of the Council is in a different college from that which he/she was appointed, the term of office automatically terminates. Presently elected members who will be in a different college will represent that college.

2. In those instances where there is a greater number of present members than required under the reorganized structure, positions becoming vacant will not be filled.

3. In colleges where representation under the reorganization is less than required, the vacancies shall be filled by election and/or appointment.

V. The Graduate Faculty

This policy was updated by the Graduate Council on February 21, 2023. This policy will take effect for all new graduate faculty status requests as of Fall 2023. Existing ATU faculty who currently hold graduate faculty status as of June 2023 will maintain their current approved status until Fall 2026. In Fall 2026, any existing graduate faculty seeking renewal of their graduate faculty status must meet the criteria outlined below.

The Graduate Faculty is composed of three categories:

Regular Graduate Faculty: Tenured and ~~non-~~tenure-track regular faculty who are members of departments that offer the master's degree, or who are members of departments that offer support courses for a master's degree program, AND who meet the standards for appointment to regular faculty status, are eligible for appointment to Regular Graduate Faculty Membership. This category of membership is required for faculty wishing to chair thesis committees and/or teach master's or Ed.S. level courses.

Doctoral Graduate Faculty: Tenured and ~~non-~~tenure-track faculty who are members of departments that offer the doctoral degree, or who are members of departments that offer support courses for a doctoral degree program, AND who meet the standards for appointment to doctoral graduate faculty status, are eligible for appointment to Doctoral Graduate Faculty Membership. This category of membership is required for faculty wishing to chair doctoral dissertation committees and/or teach doctoral-level methods courses.

Non-Regular Graduate Faculty: Part-time, adjunct, instructor-track, visiting appointments, administrators, or practicing professionals not eligible for regular or doctoral graduate faculty status, may be appointed to the Non-Regular Graduate Faculty. This category of membership is required for adjuncts or other personnel wishing to teach master's or Ed.S. level courses.

Procedures for Nomination to the Graduate Faculty:

Faculty members are nominated for inclusion on the graduate faculty by Department Heads according to established criteria.

To be nominated for Graduate Faculty Status, the Department Head (with college Dean approval) should submit 1) an approved Faculty Qualification Verification Form, 2) a copy of the candidate's vitae or resume, and 3) the "Nomination for Membership on the Graduate Faculty and Request for Approval to Teach Classes for Graduate Credit" form. Nominations are received by the Office of Research and Graduate Studies and kept on file.

The Dean of Research and Graduate Studies makes periodic reporting to the Graduate Council of current membership in each category. In cases when expediency is required, the Dean of Research and Graduate Studies may make an immediate appointment to the Non-Regular Graduate Faculty and present the matter to the Graduate Council at a later date, either for ratification or for promotion of the faculty member to Regular Graduate Faculty status.

A. Regular Graduate Faculty Membership:

1. Membership Requirements

a. Tenured or tenure-track faculty status on the Arkansas Tech University faculty.

b. The doctorate, Ed.S. or terminal degree in the appropriate field or discipline or having a reputation for expertise in the field sufficient to stand in lieu of the degree.

c. At least two of the following within their academic field in the previous six years.

- Publication of a book/article/chapter/work in a peer-reviewed press (scholarly work, poetry, fiction, nonfiction, play, translation)
- Presentation at a regional, national or international professional meeting
- Serving as an editor or co-editor for a scholarly publication
- Conducting seminars and workshops for professionals at a national or international level
- Performance or reading of original work at a regional, national, or international level
- Significant media production, such as a film, that has won acclaim and is the result of original research
- Awards for scholarly/creative work at the national, regional, state, university, or college level
- Creation of original (or originally-curated), publicly-available teaching materials on a recognized scholarly forum (such as OER materials)
- Awarded a successfully-funded external grant
- Authored and submitted a federal grant application (e.g., NSF, NEH, NIH, DoE, etc.)

- Authored and submitted (to funder or agency) major program evaluation (such as external grant evaluation report or accreditation report)

Individuals who do not meet the criteria above may also qualify for graduate faculty status if one of the following is true in the last three years:

- Defended a dissertation OR
- Began initial employment at ATU OR
- Serve as faculty in a newly created graduate program

d. Ability to be involved in the graduate program, and, upon attaining membership, continued involvement in the graduate program, including the teaching of graduate courses, advising of graduate students, contributing to the development of the graduate curriculum, and serving on examination, thesis, project, or portfolio committees.

e. Nomination to the Graduate Council via the process outlined above. The process is an opportunity for Department Heads and Program Directors to identify faculty members that may have weak credentials and to encourage them to participate in scholarship activities that will strengthen their applications. The Office of Research and Graduate Studies will maintain a list of renewal dates; the list will be accessible to Department Heads, Deans, and DPTC committee members for use in annual review and feedback.

2. Responsibilities include one or more of the following:

   a. Teach graduate level courses.
   b. Serve on graduate student examination, thesis, project, or portfolio committees.
   c. Serve as chair of graduate student examination, thesis, project, or portfolio committees.
   d. Advise graduate students.
   e. Direct graduate student research.
   f. Serve on standing and special committees of the Graduate Council.

3. Renewal

   a. Regular Graduate Faculty members must apply for renewal of regular status every six years following their initial appointment. The Graduate Council will review the renewal applications and will either renew or rescind regular graduate faculty status. The review will be based upon the following:

      1. Two recognized scholarly and/or relevant professional activities (see list defined in A.1.c above) in the previous six years
      2. Continued regular involvement in the graduate program to which the faculty member is assigned (i.e. teaching classes, advising students, serving on committees).
      3. Recommendation by the appropriate Department Head and Dean to the Graduate Council and the Dean of Research and Graduate Studies.

b Deans, Department Heads, and Program Directors are expected to identify faculty members who may face difficulties in the renewal process and encourage them to participate in scholarship activities that will strengthen their renewal application.

c. Faculty not receiving renewal will be given one academic year to work with their Department Head, Program Director, and Dean to meet the necessary criteria for renewal or be reassigned courses as needed.

B. Doctoral Graduate Faculty Membership:

1. Membership Requirements:

a. All membership requirements of Regular Graduate Faculty Membership, plus:

b. A minimum of two peer-reviewed methodological or equivalent publications in their academic field in the last six years (to demonstrate ability to mentor doctoral student research).

c. Ability to be involved in the doctoral program, including the teaching of doctoral-level courses, advising of doctoral students, and chairing dissertations.

2. Responsibilities include one or more of the following:

a. All responsibilities of Regular Graduate Faculty Membership, plus:

i. Serve on doctoral student examination and/or dissertation committees
ii. Serve as chair of doctoral dissertation committees
iii. Direct doctoral student research.

C. Non-Regular Graduate Faculty:

1. Membership Requirements:

a. The doctorate, Ed.S., or terminal degree in the appropriate field or discipline **or** evidence of expertise in the field sufficient to stand in lieu of the degree (as outlined on the application form by the nominating Department Head).

b. Nomination to the Graduate Council via the process outlined above.

2. Responsibilities

a. Teach assigned courses.

3. Terms of Appointment

Non-regular graduate faculty are to be temporary faculty members assigned to teach specific courses over the course of a specific time period, or are to serve on specific examination, thesis, dissertation, project, or portfolio committees. The initial appointment for teaching specific courses will not exceed two years. The Graduate Council may renew the appointment for another two years. The appointment for serving on a specific examination,

thesis, dissertation, project, or portfolio committee will expire upon the student's completion of the examination.

D. Application and Renewal Review Process

An ad hoc committee composed of graduate council members (one representative from each college and an ex-officio representative from the Office of Research and Graduate Studies) will review applications and renewals. The committee will be appointed in January of each year and serve through the calendar year until the next committee is appointed. This ad hoc committee will review each application and vote regarding approval. A decision (approval or denial of graduate faculty status) is affirmed with a majority vote from the ad hoc committee. In instances where a majority vote is not achieved, the committee will defer the decision to a vote of the full Graduate Council.

In order to increase the speed at which renewals can be processed, ad hoc committee members must be willing to review applications and provide recommendations as they are received throughout the year (and/or in months in which Graduate Council is not formally convened) in order to meet the needs of departments who must hire new graduate faculty after the semester deadline.

E. Deadlines

All new and renewal applications for graduate faculty status must be received by the Office of Research and Graduate Studies by following deadlines:

- One week before the July Graduate Council Meeting–for those teaching graduate courses in the fall
- One week before the November Graduate Council Meeting–for those teaching graduate courses in the spring
- One week before the April Graduate Council Meeting–for those teaching graduate courses in summer

In emergency situations, if a graduate faculty member is identified to teach a graduate level course after the deadline has passed, the ad hoc committee can review their CV and grant a temporary approval for the current semester. The graduate faculty member must then obtain full regular or non-regular graduate faculty status before the next semester deadline.

F. Appeals:

In cases in which any party involved in deliberation related to graduate faculty status feels that an improper decision has been made, they may appeal that decision to the full graduate council (if appealing a vote of the ad hoc committee) or the Vice President of Academic Affairs (if appealing a vote of the full Graduate Council).

VI. Graduate Program Director

A. Graduate Program Director Description and Responsibilities.

The Graduate Program Director (GPD) serves as an advocate for his/her graduate program and functions as a liaison among graduate students within the program, the department (including faculty) in which the program resides, and the Graduate College. The GPD is recommended for appointment by the Department Head in which the program resides and approved by the Dean of the College and the Dean of Research and Graduate Studies. The appointment is a three-year term renewed annually following evaluation by the Department Head in which the program resides. Thus, the GPD shares roles and duties both to the department in which the program resides and to the Graduate College. Because of the added responsibilities of the GPD (listed below), the position should receive up to the equivalent of a one course release or overload (as appropriate) during each of the fall and spring semesters, as well as a stipend equivalent to one overload course in the summer sessions in which the GPD is active (at the discretion of the college). The goal of every Graduate Program Director should be to ensure the academic integrity of the graduate program while promoting the success of individual graduate students.

B. Graduate Program Director Qualifications

Terminal degree in a field appropriate and relevant to the graduate program of study. Experience with the supervision of graduate students or administration of a graduate program. Graduate faculty status and participation in scholarly activity and teaching appropriate for recertification in graduate faculty status every 6 years.

C. Role of the Graduate Program Director

1. Models excellence in teaching and scholarship in graduate education.
2. Maintains the academic integrity of the graduate degree program.
3. Responds to notifications from the Graduate College on the academic status of students in the graduate degree program and implements appropriate action.
4. Facilitates the recruitment and admission of graduate students.
5. Prepares and monitors learning objectives, student outcomes and facilitates assessment of the graduate program on an annual basis.
6. Responsible for providing accurate information for the Graduate College catalog and promotional materials.
7. Works directly with the Graduate College on issues regarding the graduate program and serves as an advocate for the program.
8. Maintains records and communicates actions taken on behalf of the graduate program to the Department Head.

D. Activities of the Graduate Program Director

1. Makes timely recommendations for student admission following standards established by the Graduate School and any additional graduate program-specific requirements. Recommendations for conditional admission should include written descriptions of deficiencies and conditions to be met by the student.
2. Makes recommendations to the Graduate College for graduate assistantships and scholarships.

3. Assists the Department Head in the maintenance of records of all doctoral, regular, and non-regular graduate faculty.
4. Keeps graduate faculty and students informed of all deadlines and policies of the Graduate College.
5. Approves all candidacy forms and course substitution forms for graduate students.
6. Approves all thesis topic approval forms.
7. Notifies the Graduate College of dates, time and location of thesis and/or doctoral defenses.
8. Notifies the Graduate College of results of comprehensive, exit, terminal or other examinations required.
9. Works in collaboration with the Graduate College to market and recruit students to graduate programs.
10. Communicates and advises graduate students in the absence of an advisor.
11. Attends graduate program director meetings held by the Graduate College or, if unable to attend, appoints a proxy to represent the graduate program.
12. Provides leadership to the graduate program during the Fall, Spring, and Summer terms.
13. Provides input to the faculty and Department Head on curriculum and course offerings
14. Reports regularly to the department on the status of the graduate program and students' progress.

E. Evaluation of the Graduate Program Director

The Graduate Program Director (GPD) will be evaluated annually by their Department Head with input from the College Dean and Dean of Research and Graduate Studies will be conducted concurrently with the existing annual review process. Each GPD will submit a report to the Dean of Research and Graduate Studies detailing the activities and accomplishments of the GPD during the year. The Dean of Research and Graduate Studies will provide comments to the College Dean who will in turn, provide comments to the Department Head. If the Program Director is also the Department Head, the evaluation will be performed by the College Dean. The final report, including the review by the Department Head (or College Dean), will be submitted to the College Dean, the Dean of Research and Graduate Studies and the GPD on or before the date specified by the university's annual review cycle.

VII. Procedures for Approval of Graduate Curricular Matters

A. Graduate curricular matters originating in an academic department are approved by the Department Head and College Dean, and are then forwarded to the Executive Vice President for Academic Affairs and Provost (EVPAAP).

B. The proposal is reviewed by the EVPAAP and Registrar and concerns are noted (if any). If the proposal is considered to be acceptable, the EVPAAP forwards the proposal to the chairperson of the Teacher Education Council. If the proposal is not related to the teacher education program, it is routed directly to the chairperson of the Graduate Council.

C. The Teacher Education Council reviews the proposal and forwards it, with a recommendation, to the Graduate Council via the EVPAAP. If the proposal is not acceptable to the Teacher Education Council, prior to forwarding to the Graduate Council, the Teacher Education Council may refer it back to the Dean of the College for more information or for revision by the originating department.

D. Upon receipt of the proposal, the Graduate Council reviews it and makes a recommendation as to approval or disapproval. If the Graduate Council recommends approval of the curricular change, the proposal is forwarded to the EVPAAP. If the Council disapproves the proposal, it is returned to the originating department via the Dean of the college. The proposal can be revised and re-submitted, but must, again, be submitted through the Teacher Education Council. Actions of the Graduate Council are recorded in Council meeting minutes which are distributed to all graduate faculty members and appropriate administrative officials.

E. The EVPAAP is responsible for implementing the new proposal if approved.

F. The process described above is to be applied to all graduate curricular matters. When 4000-5000 level courses are being considered, two separate proposals will need to be submitted--the 4000-level course will be reviewed by the Curriculum Committee and the Faculty Senate, and its 5000-level counterpart will be reviewed by the Graduate Council after the Curriculum Committee and the Faculty Senate have taken action on the 4000-level proposal.

VIII. Graduate Student Academic Conduct Policies

A university exists for the purpose of educating students and granting degrees to all students who complete graduation requirements. Therefore, Arkansas Tech University requires certain standards of academic integrity and conduct from all students. Arkansas Tech University expects an academic atmosphere to be maintained in all classes regardless of their format and delivery, such as in-person classrooms or online classroom settings. This atmosphere is created by both the professor and the students in order to enable all students enrolled in a class to reach their academic potential. All students, regardless of the format and delivery of their classes, are expected to: attend class (attendance policy is defined by the professor); conduct themselves in a non-disruptive manner; and refrain from cheating, plagiarism, or other unfair and dishonest practices. Students should also realize the class is under the control of the professor who will give students a statement of his or her class policies in a syllabus at the beginning of the semester.

Academic offenses involving dishonesty and misconduct are defined in the Definitions section below. These definitions <u>are not all inclusive</u>, and conduct not expressly set forth in the definitions may also be considered academic dishonesty or academic misconduct.

A. Definitions

Academic Dishonesty. Academic dishonesty refers to the various categories of cheating and plagiarism in a class, regardless of the class format and delivery.

1. Cheating on an examination, quiz, or homework assignment involves any of several categories of dishonest activity. Examples include but are not limited to: a) copying from an examination, quiz, or any other assignment of another student; b) utilizing notes, messages, or crib sheets in any format which gives the student extra help on an exam or quiz, and which were not approved by the professor of the class; c) obtaining advance copies of exams or quizzes by any means; d) hiring a substitute to take an exam or bribing any other individual to obtain exam or quiz questions; e) buying term papers or other assignments from the Internet or any other source; and f) using the same paper to fulfill requirements in several classes without the consent of the professors teaching those classes.

2. Plagiarism is stealing the ideas or writing of another person and using them as one's own. This includes not only passages, but also sentences and phrases that are incorporated in the student's written work without acknowledgement to the true author. Any paper written by copying or cutting and pasting from the Internet or any other source is plagiarized. Slight modifications in wording do not change the fact the sentence or phrase is plagiarized. Acknowledgment of the source of ideas must be made through a recognized footnoting or citation format. Plagiarism includes recasting the phrase or passage in the student's own words of another's ideas that are not considered common knowledge. Acknowledgement of source must be made in this case as well.

Academic Misconduct. Academic misconduct concerns a student's inappropriate behavior in a class regardless of the class format and delivery. Such behavior includes interacting with the professor and other students in a manner that disrupts the learning environment of a class. Examples include but are not limited to: a) engaging in a discussion with other students that is not beneficial to the class or acceptable to the professor; b) interrupting class unnecessarily; c) attempting to monopolize the professor's time and attention; d) being chronically late to the class; and e) failing to engage in a class in a manner that is required by the professor, such as chronically late submission of assignments. Misconduct also covers verbal or nonverbal harassment and threats in relation to classes. Student behavior must not infringe on the rights of other students or faculty during a class

B. Graduate Academic Appeals Committee

Composition of Committee

1. The Graduate Academic Appeals Committee is an official committee of Arkansas Tech University and will be formed each academic year as a pool of qualified faculty and students to hear graduate student academic dishonesty and academic misconduct appeals. At the beginning of the fall term, the Dean of Research and Graduate Studies will appoint two (2) graduate faculty members from each college; and the Director of Graduate Support Services will appoint one (1) graduate student from each college. The faculty on the committee will elect a Chair.
2. These faculty and students will form a pool of 18, from which a subset can be drawn to serve on a Sub-Committee, hearing a specific case.
3. When a graduate student appeals a decision concerning academic dishonesty or academic misconduct, the appeal is filed with the Chair of the Graduate Academic Appeals Committee. However, if the Chair is involved in the matter of the appeal, the Appeals Committee will elect an alternate member who is not involved in the matter. The Chair or alternate member of the Appeals Committee shall select a three-person Sub-Committee from the pool of 18 composed in the following manner: one (1) graduate faculty member from the college in which the department involved in the appeal is located, one (1) graduate faculty member from the college in which the student is enrolled as a major, and one (1) student. However, if either faculty member or the student selected for the Sub-Committee is involved in the matter of the appeal, the Chair or alternate member of the Appeals Committee will select a different faculty member and/or student who is not involved in the matter to serve on the Sub-Committee.

C. Procedure for Charges of Academic Dishonesty

Since charges of academic dishonesty may have serious consequences, a professor who suspects a student of any category of academic dishonesty must have facts and/or evidence to support the charge.

1. The professor will meet with the student and present him or her with a written outline of the alleged academic dishonesty, the evidence supporting the charge, and the penalty. In circumstances that require a student to attend a meeting and the student cannot meet in person, such as with online distance courses, the meeting may take place via telephone or a technology-based format. Penalties for various levels of academic dishonesty vary from giving an F on a particular assignment, quiz or exam, to giving an F on a term paper or other written work, or giving the student an F or W for the course. The professor may also have different penalties for particular cases of academic dishonesty.

2. The professor will notify his or her Department Head and graduate program director (or Dean of Research and Graduate Studies if the professor is the Department Head or the graduate program director) of the charge, evidence, and penalty.

3. If the student accused of academic dishonesty denies the charge or disagrees with the evidence presented by the professor, the student should make an appointment with the relevant Department Head and graduate program director (or the Dean of Research and Graduate Studies if the professor is the Department Head or the graduate program director; in which case, skip step 4). The student may remain in the class during the appeal process.

4. If the student is still dissatisfied after meeting with the Department Head and graduate program director, he or she should make an appointment to meet with the Dean of Research and Graduate Studies who will seek resolution of the problem.

5. If a resolution is not found, the Dean of Research and Graduate Studies will refer the student to the Graduate Academic Appeals Committee ("Appeals Committee"), whose composition is described in the *Appeals Procedures* section below

6. The student should then submit a written appeal to the Chair of the Appeals Committee, or to an alternate member of the Appeals Committee who is not involved in the matter ("alternate member") as described in the *Appeals Procedures* section below; and the Chair or an alternate member will select a Sub-Committee as described in the *Appeals Procedures* section below.

7. If the Sub-Committee determines academic dishonesty has occurred, it will confirm the recommendation of the professor concerning the penalty. Such a decision will be given both to the Chair of the Appeals Committee or an alternate member and to the Dean of Research and Graduate Studies. The student will be notified of the Sub-Committee's decision by the Chair of the Sub-Committee that sat for the appeal. The Chair of the Sub-Committee shall also notify the Executive Vice President for Academic Affairs and Provost and Provost of the decision. The Vice President will review the case and forward the outcome to the Registrar after the appeal period described below in this section.

8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal. The only basis for appeal shall be: 1) Alleged failure of the Academic Appeals Sub-Committee to follow the procedures set forth in the Academic Dishonesty/Academic Misconduct policy, or 2) Consideration of new evidence that was not available at the time of the hearing before the Academic Appeals Sub-

Committee. The appeal should be in writing and submitted to the Office of the Executive Vice President for Academic Affairs and Provost and Provost within five (5) working/business days of receiving notification of the Sub-Committee's decision. The decision of the Executive Vice President for Academic Affairs and Provost and Provost will be final.

9. If the Sub-Committee determines academic dishonesty has not occurred or that the evidence is insufficient, the Chair of the Sub-Committee will forward all pertinent information to the Executive Vice President for Academic Affairs and Provost and Provost. The Vice President will confer with the Dean of Research and Graduate Studies and the relevant Department Head, graduate program director, and professor to facilitate the return of the student to class without penalty. The Department Head or graduate program director will notify the student of the decision.

D. Procedure for Charges of Academic Misconduct

Please note that the procedures listed in this section do not apply to extreme incidents of academic misconduct, such as verbal or physical abuse or threats, which will be dealt with immediately by asking the student to leave the classroom. If the student refuses to leave the classroom, Campus Security personnel will be called to remove the student, and the Dean of Students will also be informed of the behavior. For such extreme incidents of academic misconduct in an online course, the student may be temporarily or permanently removed from the Blackboard course and the Dean of Students will also be informed of the behavior.

1. The professor of a class being disrupted by academic misconduct will speak with the disruptive student. Proper behavior and possible consequences for not modifying the behavior will be discussed with the student.

2. If the student ignores the professor's requests to discuss the behavior, it will be considered that the student received an official warning that his or her classroom conduct is inappropriate. If the student continues the disruptive behavior, the professor will warn the student a second time to cease the behavior.

3. If the student has refused to respond or has ignored the professor's first and second warning, the student will be suspended on an interim basis, and notified of the suspension from the professor of the class in which the warnings were given. Within two (2) working/business days after the date of the interim suspension, a notification will be sent by the professor to the Department Head, the graduate program director, and to the Director of Graduate Support Services, who will notify the Chair of the Appeals Committee or an alternate member who is not involved in the matter.

4. An Appeals Sub-Committee will be appointed and a hearing will be conducted by the Sub-Committee within three (3) working/business days after the date of the notification to the Appeals Committee of the interim suspension.

5. On the same date the notification of the interim suspension is sent to the Chair, or an alternate member of the Appeals Committee, the student will be advised by the Department Head or the graduate program director that he or she has the right to submit a written statement to the Sub-Committee addressing the alleged incident of academic misconduct. The student's

written statement as well as the professor's written statement shall be submitted to the Chair of the Sub-Committee at least 24 hours prior to the hearing.

6. The Sub-Committee will consider the written statements of the professor and the student involved in the alleged incident of academic misconduct. The Department Head or graduate program director will also provide a statement that the warning procedure has been followed and the student has been suspended on an interim basis from attending the particular class, pending the decision of the Sub-Committee. The Sub-Committee has the right to pursue further information from the professor, Department Head, program director, and student.

7. If the Sub-Committee determines academic misconduct has occurred, it will confirm the recommendation of the professor concerning the penalty. Such a decision will be given both to the Chair of the Appeals Committee or an alternate member of the Appeals Committee and to the Dean of Research and Graduate Studies. The student will be notified of the Sub-Committee's decision by the Chair of the Sub-Committee that sat for the appeal. The Chair of the Sub-Committee shall also notify the Executive Vice President for Academic Affairs and Provost and Provost of the decision. The Vice President will review the case and forward the outcome to the Registrar after the appeal period described below in this section.

8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal. The only basis for appeal shall be: 1) Alleged failure of the Academic Appeals Sub-Committee to follow the procedures set forth in the Academic Dishonesty/Academic Misconduct policy, or 2) Consideration of new evidence that was not available at the time of the hearing before the Academic Appeals Sub-Committee. The appeal should be in writing and submitted to the Office of the Executive Vice President for Academic Affairs and Provost and Provost within three (3) working/business days of receiving notification of the Sub-Committee's decision. The decision of the Executive Vice President for Academic Affairs and Provost and Provost will be final.

9. If the Sub-Committee determines academic misconduct has not occurred or the evidence is insufficient, the Sub-Committee will forward all pertinent information to the Executive Vice President for Academic Affairs and Provost and Provost. The Vice President will confer with the Dean of Research and Graduate Studies, Department Head, graduate program director, and professor to determine the course of action to be followed and the status of the student in regard to the class in question. The Department Head or graduate program director will notify the student of the decision.

E. Student Rights

If a student feels unfairly treated in regard to grades, grading, or treatment by the professor or other students within the classroom, the student should address these concerns in the following manner:

Informal Process

1. Make an appointment to speak with the professor of the class to discuss the problem. Students must begin with the professor of the class, as many problems can be worked out satisfactorily with a simple discussion.

2. If the student is still dissatisfied after discussing his or her problem with the professor of the class, an appointment should be made with the Department Head and the director of the

graduate program in which the class is taught (or the Dean of the College in which the class is taught, if the professor is the Department Head or the graduate program director). The Department Head, graduate program director, or College Dean will seek satisfactory resolution of the problem with both the student and professor.

3. If the student is still dissatisfied, an appointment should be made with the Dean of Research and Graduate Studies, who will again seek resolution, and failing satisfactory resolution, will point out to the student the appropriate appeals process for the student's complaint.

Formal Process

1. If the student complaint involves an assigned grade or a program dismissal, the student will follow the Student Academic Grievance Procedure as outlined in the *Student Handbook*.

2. If the student wishes to pursue an appeal based on a grade associated with a charge of academic dishonesty, the student will follow the Procedure for Charges of Academic Dishonesty outlined in the *Graduate Catalog* Academic Information Section.

3. Final appeals, whether informal or formal, will be passed by the Dean of Research and Graduate Studies to the Executive Vice President for Academic Affairs and Provost and Provost for final decision, if necessary.