

**FACULTY HANDBOOK**  
**ARKANSAS TECH UNIVERSITY**

**MAIN CAMPUS**

Initially compiled by a faculty committee:

August 1, 1961

Revised/Updated:

August 1, 1970

January 1, 1974

February 21, 1980

October 18, 1990

October 1, 1997

August 1, 1998

August 1, 1999

August 1, 2000

August 1, 2001

August 1, 2002

August 1, 2003

August 1, 2004

August 1, 2005

August 1, 2006

August 1, 2007

August 1, 2008

August 1, 2009

August 1, 2010

August 1, 2011

August 1, 2012

August 1, 2013

August 1, 2014

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## ACKNOWLEDGMENT

I understand that the *Faculty Handbook* (update 2014) located at <http://www.atu.edu/academics/facultyhandbook.php> constitutes the general policies and procedures of Arkansas Tech University, 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 Sexual Misconduct Policy (Pages 25-61) and the *Clery Act* (<http://www.atu.edu/securityact/docs/CampusSecurityReport2013.pdf>).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)

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PLEASE SIGN AND RETURN THIS FORM TO THE ACADEMIC AFFAIRS OFFICE, ROOM 200, ADMINISTRATION BUILDING. THIS SIGNED FORM 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. In July, 1979, the University was designated by the State Department of Higher Education and the Governor of the State of Arkansas as the center for the Arkansas Center for Energy, Natural Resources and Environmental Studies. 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.

The present mission of Arkansas Tech University is:

Arkansas Tech University, a state-supported institution of higher education, is dedicated to nurturing scholastic development, integrity, and professionalism. The University offers a wide range of traditional and innovative programs which provide a solid educational foundation for life-long learning to a diverse community of learners.

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

*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. Once revised by the Arkansas Department of Higher Education, the role and scope will be updated in this Faculty Handbook.*

The Role and Scope for Arkansas Tech University as approved by the Board of Trustees on July 29, 2000, and defined by the Arkansas Department of Higher Education 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.
- 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 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, and five vice presidents. Academically, the University is organized into seven colleges consisting of twenty-three 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 8-11 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: <http://www.atu.edu/academics/docs/organizationalcharts.pdf>

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*.

**A H E C B APPROVED DEGREE PROGRAMS  
ARKANSAS TECH UNIVERSITY  
Academic Year 2015**

<b>Status</b>	<b>Level</b>	<b>Award</b>	<b>CIP 2010</b>	<b>Degree Code</b>	<b>Credit Hours</b>	<b>Distance 50% +</b>	<b>Program Name</b>
A	00	X	00.0000	0010			Undeclared
A	01	CP	01.0309	1309	12		Viticulture, (Ozark Campus)
A	01	CP	12.0500	1121	15		Culinary Arts, (Ozark Campus)
A	01	CP	15.0399	1153	15		Drafting & Design, (Ozark Campus)
A	01	CP	43.0103	0500	15		Law Enforcement, (Ozark Campus)
A	01	CP	47.0201	1471	10		Facilities Management, (Ozark Campus)
A	01	CP	47.0604	4255	16		Automotive Service, (Ozark Campus)
A	01	CP	48.0508	4905	15		Welding, (Ozark Campus)
A	01	CP	51.0716	4720	9		Allied Health, (Ozark Campus)
A	01	CP	51.0904	0015	7		Emergency Medical Technician, Basic; (Ozark Campus)
A	01	CP	51.3902	4750	7		Certified Nursing Assistant, (Ozark Campus)
A	01	CP	52.1201	0018	12		Computer Information Systems, (Ozark Campus)
A	02	TC	01.0309	2103	38		Viticulture, (Ozark Campus)
A	02	TC	01.0309	2109	38		Enology, (Ozark Campus)
A	02	TC	12.0401	4420	40		Cosmetology, (Ozark Campus)
A	02	TC	15.0303	4645	30		Industrial Electronic Technology, (Ozark Campus)
A	02	TC	15.0399	4504	42		Industrial Control Systems, (Ozark Campus)
A	02	TC	43.0103	0389	36		Law Enforcement Administration, (Ozark Campus)
A	02	TC	47.0201	4310	36		Air Conditioning, Heating, & Refrigeration Technology
A	02	TC	47.0603	4330	36		Collision Repair Technology, (Ozark Campus)
A	02	TC	47.0604	4340	36		Automotive Service Technology, (Ozark Campus)
A	02	TC	48.0508	4900	36		Welding Technology, (Ozark Campus)
A	02	TC	51.0716	4729	36		Health Information Technology, (Ozark Campus)
A	02	TC	51.3901	4660	48		Practical Nursing, (Ozark Campus)
A	02	TC	52.0401	4285	36		Business Technology, (Ozark Campus)
A	02	TC	52.1201	4445	36		Computer Information Systems, (Ozark Campus)
A	03	AA	24.0102	0060	60	100%	General Education
A	03	AAS	11.0103	0320	60		Information Technology
A	03	AAS	12.0504	3120	61		Culinary Management
A	03	AAS	15.0612	0581	60		Industrial Control Systems, (Ozark Campus)
A	03	AAS	30.9999	0517	60		General Technology, (Ozark Campus)
A	03	AAS	44.0000	3441	60		Human Services, (Ozark Campus)
A	03	AAS	51.0716	3729	60		Health Information Technology, (Ozark Campus)
A	03	AAS	51.0801	1120	60		Medical Assistant, (Ozark Campus)
A	03	AAS	51.0803	3510	71		Occupational Therapy Assistant, (Ozark Campus)
A	03	AAS	51.0806	0750	69		Physical Therapy Assistant, (Ozark Campus)
A	03	AAS	51.0901	0971	70		Cardiovascular Technology, (Ozark Campus)
A	03	AAS	51.0904	0470	60		Paramedic/Emergency Medical Services, (Ozark Campus)
A	03	AAS	51.3801	0711	67		Nursing, (Ozark Campus)
A	03	AAS	51.3901	5660	63		Practical Nursing, (Ozark Campus)
A	03	AAS	52.0401	0307	60		Business Technology, (Ozark Campus)
A	03	AGS	24.0102	0900	60		General Studies, (Ozark Campus)
A	03	AS	05.0122	0103	60		Ozark & Ouachita Studies
A	03	AS	19.0706	1010	60	100%	Early Childhood Education
A	03	AS	43.0104	0030	60		Criminal Justice
A	03	ASNT	15.1401	1150	60		Nuclear Technology

Friday, August 01, 2014

Status: A=Active, I=Inactive, Distance Y=Yes

**A H E C B APPROVED DEGREE PROGRAMS  
ARKANSAS TECH UNIVERSITY  
Academic Year 2015**

<u>Status</u>	<u>Level</u>	<u>Award</u>	<u>CIP 2010</u>	<u>Degree Code</u>	<u>Credit Hours</u>	<u>Distance 50% +</u>	<u>Program Name</u>
A	05	BA	09.0101	1830	120		Communication
A	05	BA	09.0401	1560	120		Journalism
A	05	BA	13.1302	1260	120		Art Education
A	05	BA	13.1305	9420	120		English
A	05	BA	13.1306	1445	120		Foreign Languages Education
A	05	BA	13.1318	1760	120		Social Studies
A	05	BA	13.1331	9830	120		Speech
A	05	BA	16.0101	1440	120		Foreign Language
A	05	BA	23.0101	1420	120		English
A	05	BA	30.2001	1540	120		International Studies
A	05	BA	42.0101	1710	120		Psychology
A	05	BA	45.1001	1690	120		Political Science
A	05	BA	45.1101	1780	120		Sociology
A	05	BA	50.0409	2661	120		Graphic Design
A	05	BA	50.0701	1251	120		Fine Arts
A	05	BA	50.0901	1630	120		Music
A	05	BA	51.2314	1740	120		Rehabilitation Science
A	05	BA	54.0101	1510	120		History
A	05	BA	54.0105	5440	120		Public History
A	05	BFA	13.1305	2040	120		Creative Writing
A	05	BFA	23.1302	2030	120		Creative Writing
A	05	BME	13.1312	1640	130		Music Education
A	05	BPS	30.9999	1871	120	100%	Professional Studies
A	05	BS	01.0102	2220	120-122		Agriculture Business
A	05	BS	03.0601	2590	120		Fisheries & Wildlife Biology
A	05	BS	11.0101	2410	120		Computer Science
A	05	BS	11.0103	5285	120		Information Technology
A	05	BS	11.0501	2797	120		Information Systems
A	05	BS	13.1203	2910	120		Middle Level Education
A	05	BS	13.1210	2440	120	100%	Early Childhood Education
A	05	BS	13.1301	3270	120		Agricultural Education
A	05	BS	13.1303	2340	120		Business Education
A	05	BS	13.1311	9870	120		Mathematics
A	05	BS	13.1314	2680	120-123		Health & Physical Education
A	05	BS	13.1316	9010	122		Physical Science & Earth Science
A	05	BS	13.1322	9300	124-125		Life Science & Earth Science
A	05	BS	14.1201	2485	120		Engineering Physics
A	05	BS	26.0101	2300	120		Biology
A	05	BS	27.0101	2870	120		Mathematics
A	05	BS	31.0301	2970	121-123		Recreation & Park Administration
A	05	BS	40.0101	3010	120		Physical Science
A	05	BS	40.0501	2350	120		Chemistry
A	05	BS	40.0601	2660	120		Geology
A	05	BS	40.0801	3040	120		Physics
A	05	BS	40.0806	3060	120		Nuclear Physics
A	05	BS	43.0302	2490	120	100%	Emergency Administration & Management; also at MSCC
A	05	BS	51.0706	2700	120		Health Information Management
A	05	BS	51.1005	2890	120		Medical Technology

Friday, August 01, 2014

Status: A=Active, I=Inactive, Distance Y=Yes

**A H E C B APPROVED DEGREE PROGRAMS  
ARKANSAS TECH UNIVERSITY  
Academic Year 2015**

<b>Status</b>	<b>Level</b>	<b>Award</b>	<b>CIP 2010</b>	<b>Degree Code</b>	<b>Credit Hours</b>	<b>Distance 50% +</b>	<b>Program Name</b>
A	05	BS	52.0901	2760	120		Hospitality Administration
A	05	BSBA	52.0201	2320	120		Management & Marketing
A	05	BSBA	52.0301	2200	120		Accounting
A	05	BSBA	52.0601	2460	120		Economics & Finance
A	05	BSBA	52.1299	2321	120		Business Data Analytics
A	05	BSE	13.1202	3771	121		Elementary Education
A	05	BSEE	14.1001	4140	120		Electrical Engineering
A	05	BSME	14.1901	4230	120		Mechanical Engineering
A	05	BSN	51.3801	4240	120		Nursing
A	07	MA	09.0702	5395			Multi-Media Journalism
A	07	MA	13.1401	1401	33	100%	Teaching English to Speakers of Other Languages
A	07	MA	23.0101	5310			English
A	07	MA	54.0101	5360			History
A	07	MAT	13.0101	6740			Teaching
A	07	ME	14.0101	6520			Master of Engineering
A	07	MEd	13.0401	5665	34	100%	Educational Leadership
A	07	MEd	13.0501	5675			Instructional Technology
A	07	MEd	13.1101	6680			School Counseling & Leadership
A	07	MEd	13.1202	5680			Elementary Education
A	07	MEd	13.1305	5690			English
A	07	MEd	13.9999	3975			Teaching, Learning, & Leadership
A	07	MLA	24.0101	5960			Liberal Arts
A	07	MS	03.0601	6225			Fisheries & Wildlife Science
A	07	MS	11.0103	6285			Information Technology
A	07	MS	13.1102	5615	36	100%	College Student Personnel Services
A	07	MS	31.0599	6306	33		Strength & Conditioning Studies
A	07	MS	42.0101	6180			Psychology
A	07	MS	43.0302	6490	36	100%	Emergency Management & Homeland Security; also at MSCC
A	07	MS	45.1101	3190	30		Applied Sociology
A	07	MS	51.0706	2701	35	100%	Health Informatics
A	07	MSBA	52.0201	5580	30		Business Administration
A	07	MSN	51.3802	7080			Nursing
A	08	EdS	13.0401	5120	30	100%	Educational Leadership
A	17	EdD	13.0401	4940			School Leadership

Friday, August 01, 2014

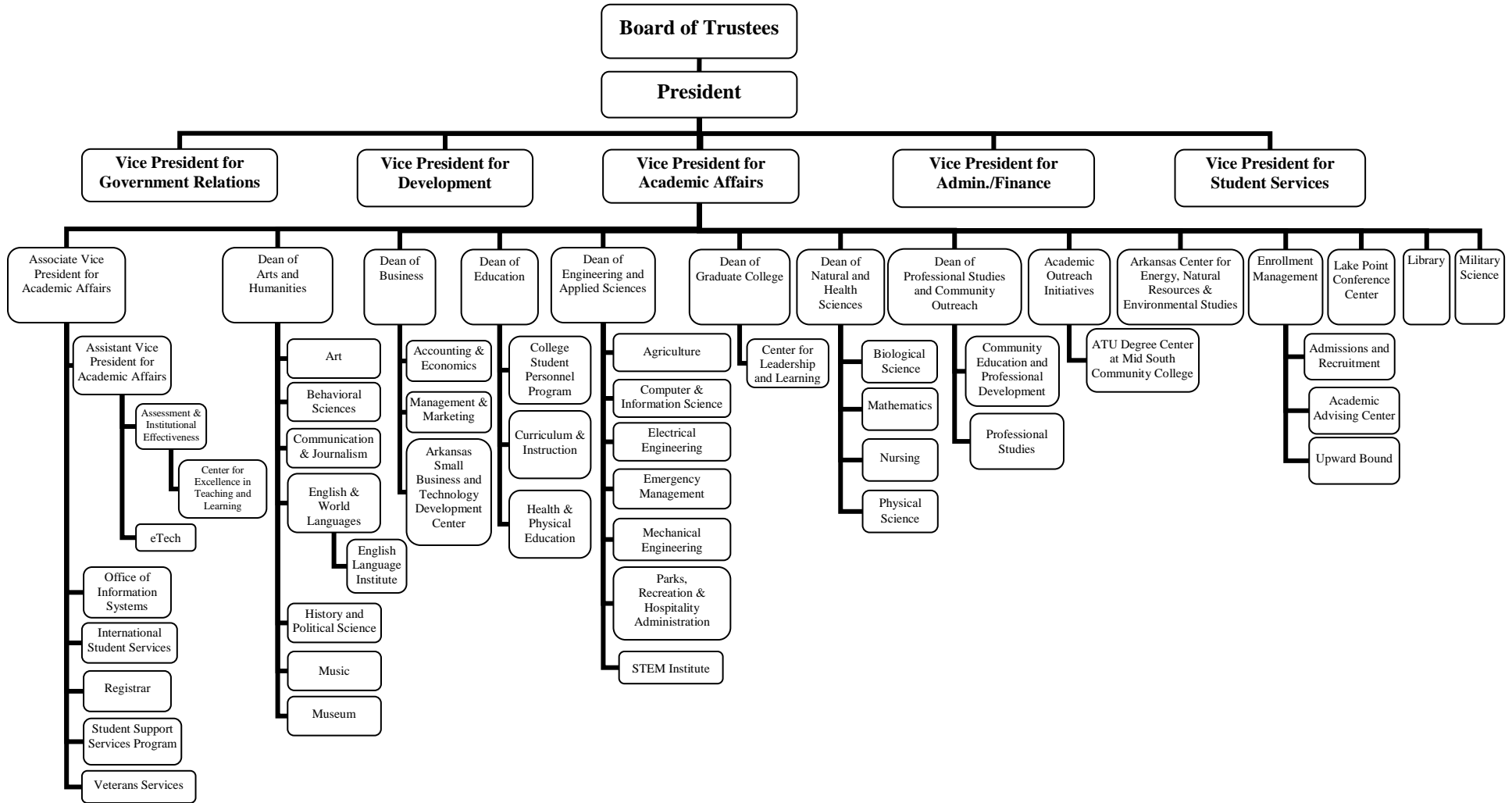
Status: A=Active, I=Inactive, Distance Y=Yes

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

College of Arts and Humanities	College of Natural and Health Sciences
Department of Art	Department of Biological Sciences
Department of Behavioral Sciences	Department of Mathematics
Department of Communication and Journalism	Department of Nursing
Department of English and World Languages	Department of Physical Sciences
English Language Institute	College of Professional Studies and
Department of History and Political Science	Community Outreach
Department of Music	Department of Community Education and
College of Business	Professional Development
Department of Accounting and Economics	Department of Professional Studies
Department of Management and Marketing	Graduate College
Arkansas Small Business and	Center for Leadership and Learning
Technology Development Center	Arkansas Center for Energy, Natural
College of Education	Resources, and Environmental Studies
Department of College Student Personnel	Assessment and Institutional Effectiveness
Department of Curriculum and Instruction	Center for Excellence in Teaching and Learning
Department of Health and Physical Education	Crabaugh Communications Center
College of Engineering and Applied Sciences	eTech
Department of Agriculture	Library and Technology
Department of Computer and Information Science	Museum
Department of Electrical Engineering	
Department of Emergency Management	
Department of Mechanical Engineering	
Department of Parks, Recreation, and	
Hospitality Administration	
STEM Institute	

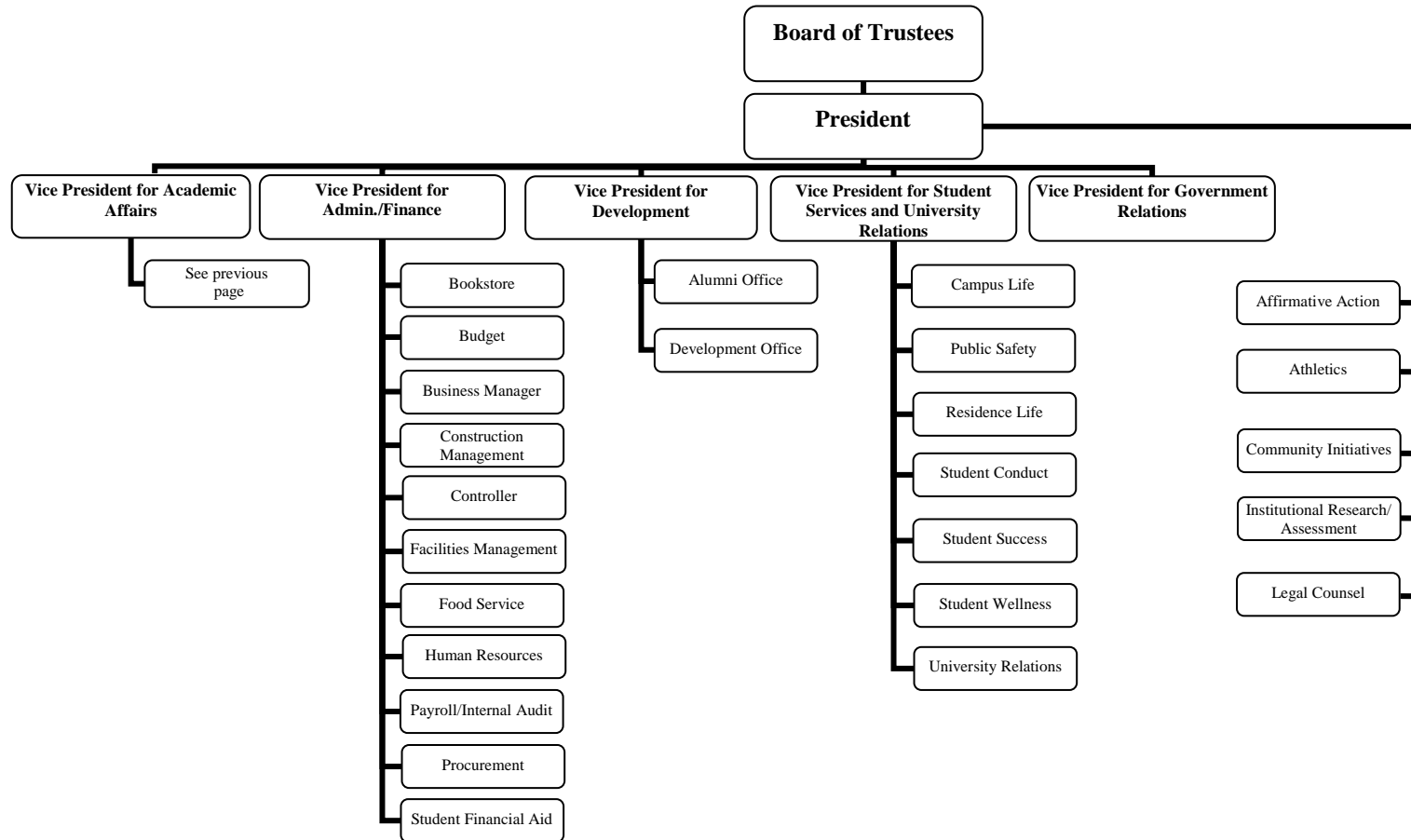


# ADMINISTRATIVE ORGANIZATIONAL CHART

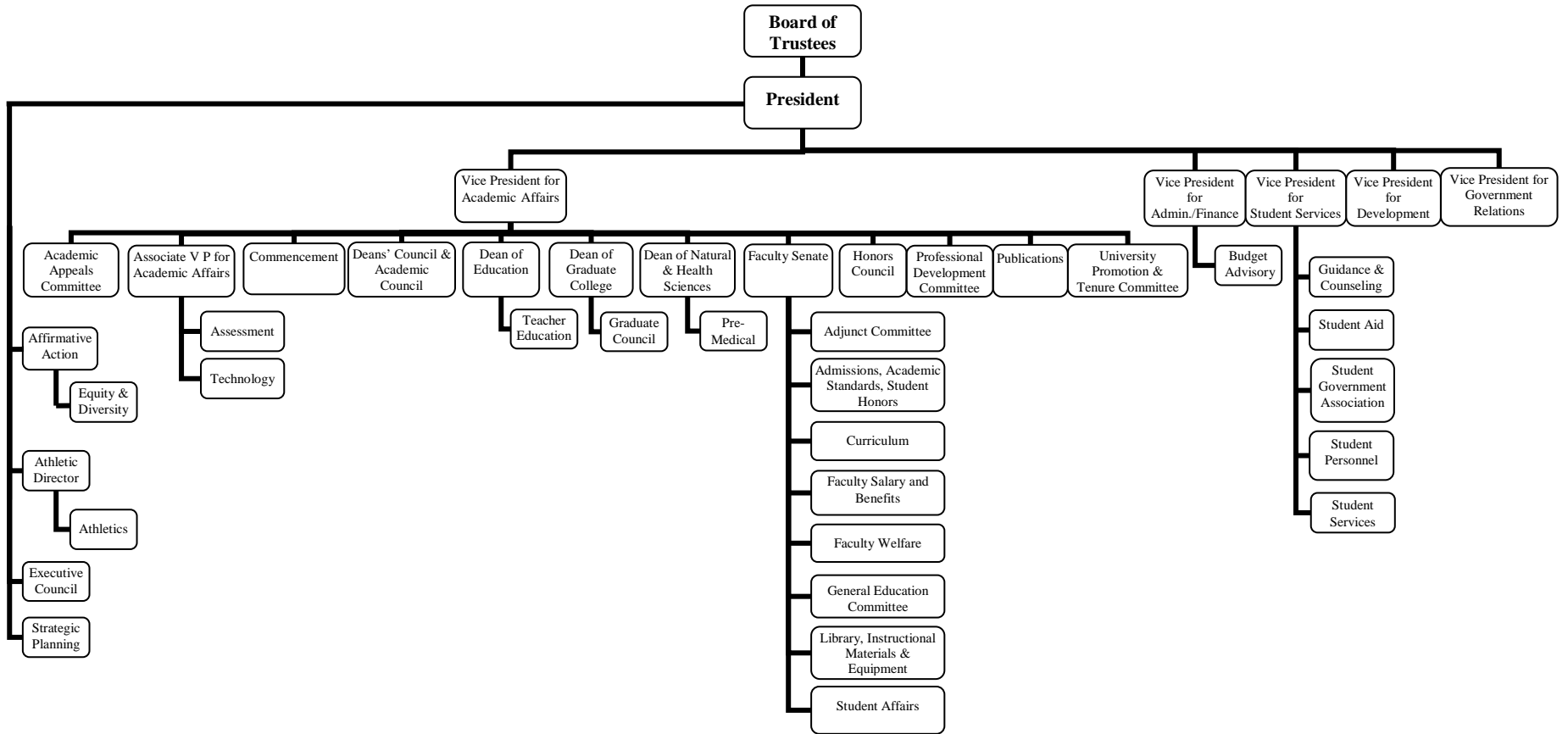


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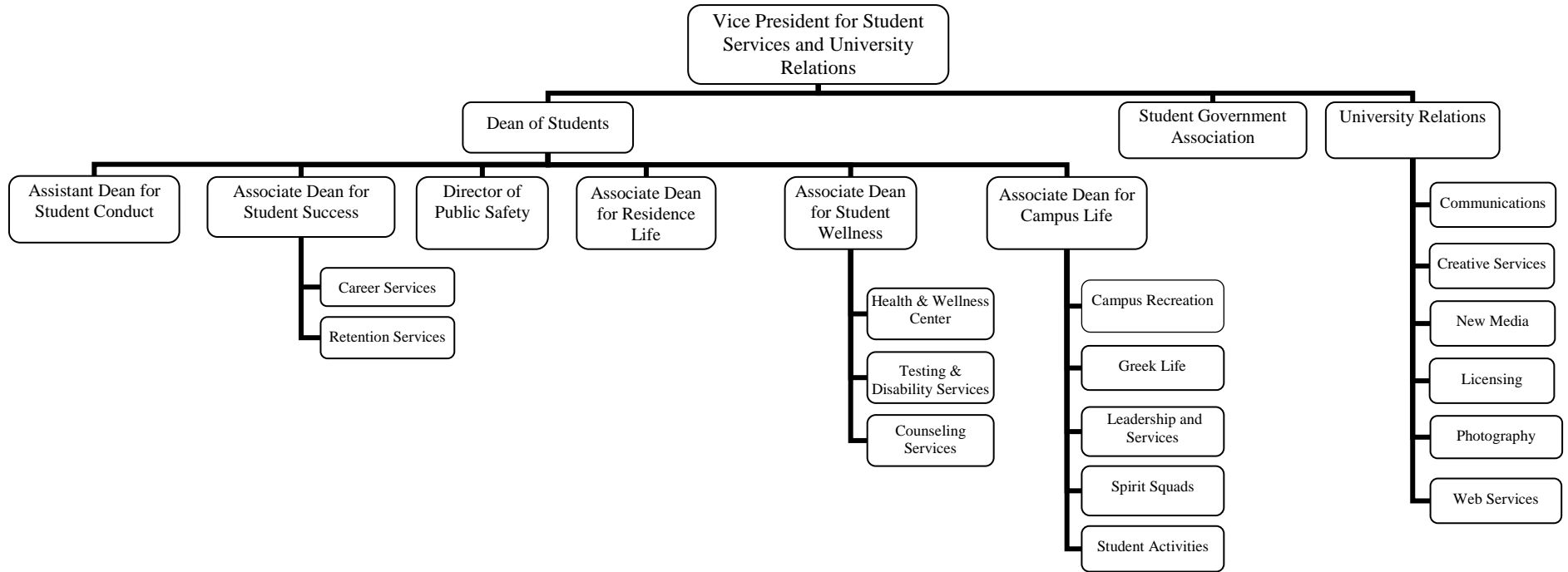
## ADMINISTRATIVE ORGANIZATIONAL CHART



## COMMITTEE STRUCTURE FOR POLICY DETERMINATION



# STUDENT SERVICES ORGANIZATION STRUCTURE



## II

### RELATION OF THE FACULTY MEMBER TO THE UNIVERSITY

In keeping with the purpose of the University as stated in the catalog 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 of academic tenure. The following "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.

#### REGULATIONS ON ACADEMIC FREEDOM AND TENURE

These regulations are designed to enable Arkansas Tech University to protect academic freedom and tenure and the requirements of academic due process. The principles implicit in these regulations are for the benefit of all who are involved with or are affected by the policies and programs of the institution. A college or university is a meeting place of ideas, and it cannot fulfill its purposes of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. 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."

##### A. Statement of Terms of Appointment

1. The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the written contract will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.
2. With the exception of special appointments, defined as "non-regular" faculty in the "Classes of Academic Staff Positions" on page 77 of this handbook, or clearly limited as a part of the individual's contract, and reappointments of retired faculty members on special conditions, all full-time appointments to the rank of assistant professor or higher are of two kinds:
  - (a) Probationary appointments
  - (b) Appointments with tenure
3. Untenured persons with teaching or research appointments of any kind will be informed each year in writing of their appointment and, if "regular" faculty, of matters which may adversely affect their eligibility for the acquisition of tenure.
4. "Non-regular" faculty (as defined on page 77 of this handbook) and regular faculty at the rank of instructor will not be eligible for tenure.

## B. Initial Appointments and Tenure

1. Probationary appointments may be for one year or for other stated periods, subject to renewal. Appointments for the first six years of employment shall be probationary and carry no implication of tenure. Appointment to the seventh year of full-time employment without terminal notification, however, constitutes appointment with tenure. Those not to be retained on tenure shall be given a timely notice of non-reappointment in accordance with standards set forth herein. Faculty appointed prior to the adoption of this document may qualify for tenure under the terms of their original appointments.
2. At the time of initial appointment, faculty members will be advised of the criteria and procedures generally employed in decisions affecting renewal and tenure. Any special criteria adopted by the particular department or college will also 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 circumstances.
3. Regardless of the stated term or other provisions of any appointments, written notice that an initial 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 March 1 before the expiration of an individual's first-year probationary appointment;
  - (b) By December 15 before the expiration of an individual's second-year probationary appointment;
  - (c) At least twelve months before the expiration of a probationary appointment of an individual who has had two or more years of service at the institution.
4. 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 initial recommendation or decision; and, if requested, the faculty member will be advised of the reasons which contributed to that decision. The faculty member may request a reconsideration by the recommending or deciding authority.
5. If the faculty member so requests, the reasons given in explanation of the non-renewal will be confirmed in writing.
6. Insofar as the faculty member alleges that the decision against renewal was based on inadequate consideration, the Faculty Welfare Committee, which reviews such faculty allegation, will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. The Faculty Welfare Committee will not substitute its judgment on the merits for that of the recommending or deciding authority. If the Faculty Welfare Committee believes that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the recommending or deciding authority, indicating the respects in which it believes the consideration may have been inadequate. It will provide copies of its findings to the faculty member, the recommending or deciding

authority, and the President or other appropriate administrative officer. The Faculty Welfare Committee is a duly elected standing committee whose membership is determined by the faculty.

C. 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.

D. Termination of Appointment by the Institution

1. Termination of an appointment with tenure, or of a special or probationary appointment before the end of the specified term, may be effected by the institution only for adequate cause.
2. If such termination takes the form of a dismissal, it will be pursuant to the procedure specified in Item E.
3. 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 E 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 H. 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.
4. 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.

## E. Dismissal Procedures

1. 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.
2. 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:
  - (a) Discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement.
  - (b) Informal inquiry by the duly elected Faculty Welfare Committee which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President.
  - (c) A statement of charges, framed by the President or the President's delegate.
3. A dismissal, as defined in Item E-1, 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.
  - (a) 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.
  - (b) 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:
    - (1) Simplify the issues;
    - (2) Effect stipulations of facts;
    - (3) Provide for the exchange of documentary or other information;
    - (4) Achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.
  - (c) 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.

- (d) 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.
- (e) During the proceedings the faculty member will be permitted to have an academic advisor and other counsel of his/her own choice.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) The Faculty Welfare Committee will grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.
- (j) 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.
- (k) 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.
- (l) In the hearings of charges of incompetence, the testimony shall include that of faculty members from this and other institutions of higher education.
- (m) 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.
- (n) The findings of fact and the decision will be based solely on the hearing record.
- (o) 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.

- (p) 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.

#### F. 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.

#### G. Procedures for Imposition of Sanctions other than Dismissal

1. 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 E shall govern such a proceeding.
2. 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 M, petition the Faculty Welfare Committee for such action as may be appropriate.

#### H. 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.

#### I. Academic Freedom

All members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure," formulated by the Association of American Colleges and the American Association of University Professors. Faculty members are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As learned persons and as educational officers, they should remember that the public may judge the profession and the institution by their actions and utterances. Therefore, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that they are not an institutional spokesman.

#### J. 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 E and F, 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.

#### K. Administrative Personnel

The foregoing regulations apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. Where an administrator alleges that a consideration violative of academic freedom significantly contributed to a decision of termination of an appointment to an administrative post, or of non-reappointment, the individual is entitled to the procedures set forth in Item J.

#### L. 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.

#### M. 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.

#### N. Interpretation

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

#### \*AFFIRMATIVE ACTION POLICY

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 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.

Arkansas Tech University will have an Affirmative Action Plan that contains a set of specific and result-oriented procedures to apply every good faith effort to achieve prompt and full utilization of minorities, women, those with disabilities or veterans at all levels and all segments of its workforce where deficiencies exist. Additionally, Arkansas Tech University will continually monitor and evaluate its employment practices to ensure that they are free of bias or discrimination based upon race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

A copy of the Affirmative Action Plan, including specific responsibilities and provisions for implementation and compliance will be made available upon request.

\*Revised Board of Trustees 8/21/14

Responsibility for implementation and compliance with this Affirmative Action policy has been delegated to the Affirmative Action officer, Ms. Jennifer Fleming.

## POLICY ON SEXUAL HARASSMENT

It is the policy of Arkansas Tech University to maintain the University community as a place of work and study for staff, faculty, and students free of harassment, including sexual and gender harassment and all forms of sexual intimidation and exploitation. All students, staff, and faculty should be aware both that the University is concerned and prepared to take action to prevent and correct such behavior.

Sexual harassment by any faculty, staff or student is a violation of both law and University policy and will not be tolerated at Arkansas Tech University. The University considers sexual harassment to be a very serious issue and shall subject the offender to dismissal or other sanctions following the University's investigation and substantiation of the complaint and compliance with due process requirements.

The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be generally described as repeated and unwanted sexual behavior, such as physical contact and verbal comments or suggestions that adversely affect the working or learning environments of others.

EEOC Guidelines define sexual harassment as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the University or a factor in the educational program of a student; and/or
2. Submission to or a rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individuals; and/or
3. Such conduct has the purpose or effect of substantially interfering with an individual's right to achieve an educational objective or to work in an environment free of intimidation, hostility, or threats stemming from acts or language of a sexual nature.

Although sexual harassment most frequently occurs when there is an authority differential between the persons involved (faculty member and student, supervisor and staff member), it may also occur between persons of the same status (e.g. faculty-faculty, staff-staff, student-student). Both men and women may be victims of sexual harassment and sexual harassment may occur between individuals of the same gender.

Because of the unique situations which exist between students, faculty, supervisors and staff, relationships in the workplace and on campus should at all times remain professional. In particular, due to the professional power differential between faculty and students, faculty members are encouraged to remain professional in all relationships with students. As teachers, professors encourage the free pursuit of learning by their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They

acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

Sexual harassment may create a hostile, abusive, demeaning, offensive or intimidating environment. It is manifested by verbal or physical actions, including gestures and other symbolic conduct. Sexual harassment is not always obvious and overt; it can also be subtle and covert. A person who consents to sexual advances may nevertheless be a victim of sexual harassment if those advances were unwelcome.

If a professor's speech or conduct takes place in the teaching context, it must also be persistent, pervasive and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

Examples of sexual harassment may include, but are not limited to the following:

- Verbal abuse of a sexual nature, which is considered to include, but is not limited to epithets, derogatory comments, sexual advances, invitations, propositions, comments, or requests for sexual favors;
- Intimate unwelcome physical contact;
- Repeated unwanted discussions of sexual matters;
- Use of sexual jokes, stories, analogies or images which are not related to the subject of the class or work situation;
- Ogling, leering, or prolonged staring at another person's body;
- Display or use of sexual graffiti or sexually-explicit pictures or objects;
- Sexually suggestive jokes, comments, e-mails, or other written or oral communications;
- Condition, explicitly or implicitly, academic or employment decisions upon an individual's submission to requests for sexual favors or conduct.

Individuals who are aware of or have been subjected to sexual harassment are encouraged to promptly contact the Affirmative Action Officer.

### **Resolution Options**

The University provides two options for reporting and resolving matters involving sexual harassment: an informal resolution process and a formal complaint process. An individual who believes that he or she has been subjected to sexual harassment and seeks to take action may use the informal resolution process, the formal complaint process, or both. First use of the informal resolution process will, in most cases, be consistent with fairness and correcting an undesired circumstance with a minimum of emotional and professional damage. The informal resolution process and formal complaint resolution process are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

## **Informal Resolution**

An individual who believes that he or she has been subjected to sexual harassment should contact the Affirmative Action 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 sexual harassment.

Informal resolution may be appropriate when the conduct complained of is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. As there is no formal investigation involved in the informal resolution process, there is no imposition of discipline. University methods for resolving complaint informally include, but are not limited to:

- Mediating between the victim and the individual who is engaging in the offensive conduct;
- Aiding in the modification of the situation in which the offensive conduct occurred;
- Assisting a department or division with the resolution of a real or perceived problem; or
- Arranging for a documented meeting between the person allegedly engaged in the offensive conduct and a University official that involves, at a minimum, a discussion of the requirements of the Sexual Harassment policy.

The University will document any informal resolution. The documentation will be retained by the Affirmative Action Officer and, if a faculty member is involved, and so requests, the Faculty Welfare Committee representative. The documentation will be kept confidential to the extent permitted by law. If a complaint is filed in a faculty or staff's permanent record, the faculty or staff member must be notified. An informal resolution meeting is not a precondition for filing a formal written complaint.

## **Formal Complaint**

An individual who believes that he or she has been subjected to sexual harassment may submit a written formal complaint setting forth all pertinent facts to the Affirmative Action Officer who will review and investigate the facts presented. The individual, if they are a faculty member, may also request that a copy of the complaint be sent to 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 sexual harassment.

## **Investigation**

A formal investigation will be initiated if the complaint articulates sufficient specific facts which, if determined to be true, would support a finding that the University's policy was violated. The Affirmative Action Officer will give the alleged offender a copy of the complaint. The alleged offender is also provided with an opportunity to respond to it within five (5) working days (ten working days if school is not in session) of receipt by the alleged offender. The letter will include a statement advising the alleged offender that retaliation against the individual who filed the complaint is prohibited and will subject the alleged offender to appropriate disciplinary action if retaliation occurs.

Both the individual submitting the complaint and the alleged offender will be individually interviewed as a part of the official investigation as will any witnesses or persons who have information related to the complaint. Documents relevant to the complaint will also be examined. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and

not on the particular sensitivity or reaction of an individual. In the course of a complaint investigation, the University will attempt to maintain confidentiality for all parties involved. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation.

Findings will be based on the totality of the circumstances surrounding the conduct complained of, including, but not limited to:

- the context of the conduct;
- the severity;
- the frequency; or
- whether the conduct was physically threatening, humiliating, or was simply offensive in nature.

## **Representation**

During the complaint process, the individual making the complaint and the alleged offender may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no representative may examine witnesses or otherwise actively participate in a meeting or interview.

### **1. Report of Findings and Recommendation – Complaints Against Non-Students**

The Affirmative Action Officer will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the appropriate vice president within ten (10) working days (twenty working days if school is not in session) of receipt of the statement from the person whose conduct was complained about.

The appropriate vice president will promptly notify the individual bringing the complaint and the alleged offender that the investigation has been completed and attach a copy of the proposed statement of findings. A student's identifiable information, if any, which is confidential by law, will be redacted. Within five (5) working days (ten working days if school is not in session) from the date of notification, the individual bringing the complaint and the alleged offender may each submit, for consideration by the appropriate vice president, such comments and corrections as they may have. Within ten (10)-working days (twenty working days if school is not in session) from the date of notification, the Vice President shall take one of the following actions:

- Dismiss the complaint if the result of the completed investigation is inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or
- Find that the Sexual Harassment policy was violated.

If the Vice President determines that this policy was violated, he or she shall determine a disciplinary action that is appropriate for the severity of the conduct. The Vice President shall inform the individual bringing the complaint, accused individual and the appropriate dean or department head of his or her decision, and shall attach a copy of the final statement of final statement of findings. Copies of the Vice President's letter, the attached statement of findings, and relevant documents shall also be sent to the Affirmative Action Officer.

Disciplinary action may be appealed by the employee who is disciplined. Appeals for faculty shall be made, pursuant to the *Faculty Handbook*, to the Faculty Welfare Committee. Appeals for non-faculty shall be made, pursuant to *Classified Employee Handbook*, in the form of a formal grievance hearing.



## **2. Report of Findings and Recommendation – Complaints Against Students**

The Affirmative Action Officer will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the Vice President for Student Services for a determination pursuant to Article IV of the Arkansas Tech University Student Code of Conduct.

### **Filing of a False Complaint**

Individuals whose complaint is found to be both false and have been made with malicious intent will be subject to disciplinary action, which may include, but is not limited to, demotion, transfer, suspension, expulsion or termination of employment.

**\*SEXUAL MISCONDUCT POLICY AND PROCEDURES**

**OPTIONS FOR IMMEDIATE ASSISTANCE**

If you or someone you know may have been a victim of Sexual Assault, you are strongly encouraged to seek immediate assistance.

**Law Enforcement Assistance**

**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 1508 N. Boulder Avenue and available by phone at (479) 968-0222.

**OFF CAMPUS – RUSSELLVILLE**

Assistance can be obtained 24 hours a day, 7 days a week, from the Russellville Police Department by dialing 911.

**ON OR OFF CAMPUS – OZARK**

Assistance can be obtained 24 hours a day, 7 days a week, from the Ozark Police Department by dialing 911.

**Medical Assistance**

**Russellville**

St. Mary’s Regional Medical Center  
1808 W. Main Street  
Russellville, AR 72801

**Ozark**

Mercy Hospital Ozark  
801 W. River  
Ozark, AR 72949

Medical assistance can be requested by dialing 911 or going directly to the hospital. Nurses on staff in the emergency room are trained and equipped with the supplies necessary to perform a rape kit to preserve evidence. Treatment of injuries, preventative treatment for sexually transmitted diseases, and other health services are provided.

During business hours (8:00 a.m. to 5:00 p.m., Monday through Friday), you are also strongly encouraged to contact Jennifer Fleming, Arkansas Tech University’s Title IX Coordinator by telephone at (479) 498-6020, by email at [jfleming@atu.edu](mailto:jfleming@atu.edu), or in person at Room 212 of the Administration Building located at 1509 N. Boulder Avenue in Russellville, Arkansas or Amy White, Deputy Title IX Coordinator, at (479) 498-6071, by email at [awhite@atu.edu](mailto:awhite@atu.edu), or in person at Women’s Golf Office, Tucker Coliseum, 1604 Coliseum Drive, Russellville, Arkansas.

For additional information about seeking medical assistance and emotional support, as well as important contact information, including local law enforcement agencies and St. Mary’s Hospital in Russellville and Mercy Hospital in Ozark, see **Appendix “A” attached to this policy.**

**\*Approved Board of Trustees 7/17/14**

## OPTIONS FOR ONGOING ASSISTANCE

If you believe you have been involved in an incident of sexual misconduct, you have the right to pursue action through the University conduct system and/or the appropriate law enforcement authorities. Options for reporting sexual misconduct are provided below. Assistance is available upon request for individuals wishing to review these reporting options regardless of whether a formal complaint is filed with the Office of Affirmative Action or to law enforcement officials.

### On Campus Resources

The University encourages victims of sexual misconduct to talk to somebody about what happened so that victims can get the support they need, and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." At Arkansas Tech, these employees are the licensed counselors staffed in the Health and Wellness Center (<http://www.atu.edu/hwc/index.php>):

- o Kristy Davis, [kdavis51@atu.edu](mailto:kdavis51@atu.edu), (479) 968-0329
- o Craig Witcher, [cwitcher@atu.edu](mailto:cwitcher@atu.edu), (479) 968-0329
- o Hunter Bramlitt, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu), (479) 968-0329
- o Janis Taylor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu), (479) 968-0329

In addition, academic accommodations and interim measures may be provided to victims of sexual misconduct. That information is found in Article IV(b)(i)(8) on page 10.

### Off Campus Resources

#### **Victim Assistance Outreach Program**

The 5<sup>th</sup> Judicial District Prosecuting Attorney's Office has a "Victim Assistance Outreach Program" which provides assistance with:

- o Orders of Protection
- o Contacting Law Enforcement Agencies
- o VINE (Victim Identification and Notification Everyday)
- o Arkansas Crime Victims Reparations Program (assists with financial compensation, counseling, lost wages, and funeral expenses).
- o Referrals to other community services such as the Ozark Rape Crisis Center, River Valley Shelter, and Crisis Intervention Center.
- o Information on the criminal court process.

The contact person for this program is Patricia Andrade. Her telephone number is (479) 705-0579.

#### **Ozark Rape Crisis Center**

Located in Clarksville, Arkansas, this entity provides 24 hour crisis intervention. The hotline telephone number is (800) 818-1189 and the website is: <http://www.ozarkrapecrisis.com/>

## ARTICLE I. INTRODUCTION

### (a) Notice of Nondiscrimination.

As a recipient of federal funds, Arkansas Tech University is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, Sexual Misconduct (defined below) constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to Arkansas Tech University’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights. Arkansas Tech University’s Title IX Coordinator is Jennifer Fleming, whose office is in Room 212 of the Administration Building located at 1509 N. Boulder Avenue in Russellville, Arkansas. Jennifer Fleming may be contacted by phone at (479) 498-6020 or by email at [jfleming@atu.edu](mailto:jfleming@atu.edu).

### (b) Overview of this Policy.

Arkansas Tech University (“the University”) is committed to providing programs, activities, and an educational environment free from sex discrimination.

**Sexual misconduct, as that term is used in this policy, is any sexual act which violates the criminal laws of the State of Arkansas or laws of the United States including but not limited to sexual assault (non-consensual sexual contact or intercourse), domestic violence, dating violence, stalking, and sexual exploitation.**<sup>1</sup> Sexual misconduct can occur between strangers or acquaintances, and even people involved in intimate or sexual relationships. Sexual misconduct can be committed by men or women and can occur between individuals of the same or different gender. Any sexual activity which is entered into without consent of both or all persons involved is a violation of this policy.

The University is committed to fostering a community that promotes prompt reporting of all types of Sexual Misconduct and timely and fair resolution of Sexual Misconduct Complaints, and in furtherance of that commitment, this Policy sets forth available resources ([Appendix A](#)), describes prohibited conduct (Article II), and establishes procedures for responding to Complaints of Sexual Misconduct (Articles III-VI).

The University will make this Policy and information about recognizing and preventing Sexual Misconduct readily available to all Students and other members of the University community.

### (c) Applicability of this Policy.

This Policy applies to any allegation of Sexual Misconduct made by or against a student or an employee of the University or a third party, regardless of where the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint is related to the University’s academic, educational, athletic, or extracurricular programs or activities. The University’s disciplinary authority, however, may not extend to third parties who are not students or employees of the University. Additionally, while there is no geographical limitation to invoking this Policy, Sexual Misconduct that is alleged to have occurred at a significant distance from the University and/or outside of University property may be more difficult for the University to investigate.

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<sup>1</sup> Sexual misconduct also constitutes sexual harassment. The Sexual Misconduct policy shall govern in cases involving sexual assault, domestic violence, dating violence, stalking, and sexual exploitation. The University’s Sexual Harassment policy shall be applicable in all other sexual harassment cases not involving sexual misconduct.

This policy applies to all students, employees and third parties, regardless of sexual orientation or gender identity.

In the case of allegations of Sexual Misconduct, this Policy supersedes all other procedures and policies set forth in other University documents.

**(d) Period of Limitations.**

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. However, the University strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by the University or enrolled as a student at the time.

**(e) Definitions Applicable to this Policy.**

The definitions applicable to this Policy are set forth in Appendix B.

## **ARTICLE II. STATEMENTS OF POLICY**

**(a) Prohibition on Sexual Misconduct.**

This Policy is designed to protect the rights and needs of alleged victims, Complainants (if not the alleged victim), and Respondents. Creating a safe environment is the responsibility of all members of the University community.

The University strongly encourages accurate and prompt reporting of all types of Sexual Misconduct and is committed to fostering a community that promotes a prompt, fair, and impartial resolution of Sexual Misconduct cases.

**(b) Prohibition on Retaliation.**

Retaliation against any person for filing, supporting, providing information in good faith, or otherwise participating in the investigative and/or disciplinary process in connection with a Complaint of Sexual Misconduct is strictly prohibited. Violations of this prohibition will be addressed through this Policy and/or other University disciplinary procedures and will result in strong responsive action by the University. Any person who feels that he or she has been subject to retaliation should notify the Title IX Coordinator, Jennifer Fleming, or the Deputy Title IX Coordinator, Amy White.

**(c) Prohibition on Providing False Information.**

Any individual who knowingly files a false Complaint under this Policy, or knowingly provides false information to University officials, or who intentionally misleads University officials who are involved in the investigation or resolution of a Complaint may be subject to disciplinary action.

**(d) Confidentiality.**

Generally, a person may report an incident of Sexual Misconduct confidentially to the professional counselors located in the Arkansas Tech University Health and Wellness Center.

Reports of sexual misconduct made to “responsible employees” are not confidential.

For more detailed information on who a victim can and cannot speak to confidentially, please see the full discussion of confidentiality found in attached “[Appendix C](#)”.

If an alleged victim’s request for confidentiality limits the school’s ability to investigate a particular matter, the University may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the alleged victim. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct was alleged to have occurred; providing training and education materials for students and employees; revising and publicizing the University’s policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

**(e) Related Misconduct and Limited Immunity/Amnesty.**

The University considers the reporting and adjudication of Sexual Misconduct cases on campus to be of paramount importance. The University does not condone illegal drug use, underage drinking, or other violations of the Student Code of Conduct. However, the University may extend limited immunity from punitive sanctioning in the case of illegal alcohol or drug use to victims, witnesses, and those reporting incidents and/or assisting the victims of Sexual Misconduct, provided that they are acting in good faith in such capacity. Stated another way, the University wishes to encourage all persons to report incidents of sexual misconduct, and therefore reserves the right to waive disciplinary charges against victims, witnesses and those reporting incidents and/or assisting the victims of Sexual Misconduct, for certain circumstances surrounding the incident. For example, an underage victim who had been drinking alcohol would not typically face charges for violating alcohol policies.

**(f) Individuals with Disabilities.**

The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy. Requests for accommodations must be made to the Disability Services Office (located in Doc Bryan Student Services Center) and available by phone at (479) 968-0302.

**(g) Standard of Evidence.**

In a Formal Resolution on a Complaint alleging Sexual Misconduct, the standard of evidence that will be used by the Hearing Board to determine if the Sexual Misconduct Policy has been violated will be the preponderance of the evidence.

**(h) Educational Programming.**

Arkansas Tech University requires educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking. This educational campaign shall also be for on-going prevention and awareness. These education programs shall include primary prevention and awareness programs for all incoming students and new employees which shall include: 1) the statement that the University prohibits domestic violence, dating violence, sexual assault and stalking; 2) the definitions of domestic violence, dating violence, sexual assault, and stalking as well as the definition of “consent” in reference to sexual activity; 3) Safe and positive options for bystander intervention that may be carried out by

an individual to prevent harm or intervene in cases of a risk of domestic violence, dating violence, sexual assault, or stalking; 4) Information on risk reduction and how to recognize warning signs of abusive behavior and how to avoid potential attacks; and 5) ongoing prevention and awareness campaigns for students and faculty on all of the items above.

Educational programming and training is provided to faculty, staff, and students in an effort to create a University community free of sexual harassment, sexual assault (non-consensual sexual contact or intercourse), domestic violence, dating violence, stalking, and sexual exploitation or any other type of sexual misconduct. The Jerry Cares campaign promotes shared responsibility by all members of the University community in an effort to reduce the risk of sexual violence and to equip members with the tools, training, and resources necessary to take action in stopping sexual misconduct. This includes prevention programs and educational training in risk reduction and bystander intervention, equipping members of the University community to play a role in preventing and interrupting incidents of sexual misconduct. Training on campus resources and step-by-step procedures on how to report incidents of sexual misconduct is also provided. For more detailed information, please visit the Jerry Cares website at <http://www.atu.edu/jerrycares/>.

**(i) Sexual Misconduct Policy.**

This Sexual Misconduct Policy: 1) sets out the procedures that a victim of Sexual Misconduct should follow; 2) sets out the procedure for University disciplinary action; and 3) provides equal opportunity for both the alleged victim and the Respondent on their choice of advisor at the Formal Resolution hearing.

**(j) Annual Training.**

Training for employees conducting investigations and formal resolution hearings will be conducted at least annually.

**(k) VAWA/Campus SaVE Act.**

Arkansas Tech University acknowledges that the Violence Against Women Act and the Campus SaVE Act add domestic violence, dating violence, and stalking to “sexual assault” as reportable events in the [Annual Security Report required by the Clery Act](#).

**(l) Duty to Report.**

All employees (except those employees statutorily barred from sharing such information (ex. Licensed counselors, medical professionals)) have a duty to immediately report to the Title IX Coordinator or the Deputy Title IX Coordinator information related to sexual misconduct.

**ARTICLE III.**  
**HOW AND WHERE TO FILE A COMPLAINT ALLEGING SEXUAL MISCONDUCT**

*For information regarding seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies and hospitals, see [Appendix A](#) attached to this Policy.*

Because Sexual Misconduct may in some instances constitute both a violation of University policy and criminal activity, and because the University grievance process is not a substitute for instituting legal action, the University encourages individuals to report alleged Sexual Misconduct promptly to campus officials and to law enforcement authorities, where appropriate.

**Individuals may, however, choose not to report alleged Sexual Misconduct to such campus officials and/or law enforcement authorities.** The University respects and supports the individual's decision with respect to reporting; nevertheless, the University may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

Individuals may file a Complaint at any time, but the University strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding.

**(a) Filing a Complaint with Local Law Enforcement:**

Individuals may file a complaint directly with local law enforcement agencies by dialing 911. Individuals may contact any of the following for assistance in filing a complaint with local law enforcement:

- (i) The Arkansas Tech University Department of Public Safety, 24 hours a day, seven days a week (available by phone at (479) 968-0222) and located at 1508 N. Boulder Avenue on the Russellville campus.
- (ii) Arkansas Tech University's Title IX Coordinator, Jennifer Fleming, from 8:00 a.m. to 5:00 p.m., Monday through Friday (available by phone at (479) 498-6020) or by e-mail at [jfleming@atu.edu](mailto:jfleming@atu.edu) and in Room 212 of the Administration Building, located at 1509 N. Boulder Avenue, Russellville, AR, 72801.
- (iii) Arkansas Tech University's Deputy Title IX Coordinator, Amy White, by telephone at (479) 498-6071, by email at [awhite@atu.edu](mailto:awhite@atu.edu), or in person at the Women's Golf Office, Tucker Coliseum, 1604 Coliseum Drive, Russellville, Arkansas, 72801.

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a University Complaint). Individuals who make a criminal complaint may also choose to pursue a University Complaint simultaneously.

A criminal investigation into the matter does not preclude the University from conducting its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred). However, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the alleged victim and/or the University community.



Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual Misconduct, for the purposes of this Policy, has occurred.

**(b) Filing a Complaint with the University:**

Individuals may choose not to report alleged Sexual Misconduct to campus officials. The University respects and supports the individual's decision with respect to reporting; however, if information about Sexual Misconduct comes to the attention of the University, the University may (1) start an investigation even in the absence of a filed Complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.

Anyone wishing to make a Complaint under this policy should contact one of the following individuals or offices:

- i) Title IX Coordinator. Arkansas Tech University's Title IX Coordinator is Jennifer Fleming, whose office is in Room 212 of the Administration Building. Ms. Fleming may be contacted during business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) by phone at (479) 498-6020 or by email at [jfleming@atu.edu](mailto:jfleming@atu.edu). As the Title IX Coordinator for Arkansas Tech University, Ms. Fleming receives and investigates reports of discrimination, including sexual misconduct. The Title IX Coordinator has ultimate oversight responsibility for handling Title IX-related complaints and for identifying and addressing any patterns or systematic problems involving Sexual Misconduct. The Title IX Coordinator is available to meet with individuals who are involved with or concerned about issues or University processes, incidents, patterns, or problems related to Sexual Misconduct on campus or in University programs. All allegations involving Sexual Misconduct should be directed to the Title IX Coordinator or other designated University individuals or offices as outlined herein. More information about the investigation process can be found in Article IV below. The Title IX Coordinator may designate the Deputy Title IX Coordinator to serve in her stead for any requirements contained in this policy.

Deputy Title IX Coordinator. Arkansas Tech University's Deputy Title IX Coordinator is Amy White, whose telephone number is (479) 498-6071, her email address is [awhite@atu.edu](mailto:awhite@atu.edu) or she may be contacted in person at Tucker Coliseum, 1604 Coliseum Drive, Russellville, Arkansas.

- ii) Public Safety. The Arkansas Tech University Public Safety Department is located at 1508 N. Boulder Avenue on the Russellville campus. The Public Safety Department is also available by phone at (479) 968-0222. Public Safety officers are available 24 hours a day, seven days a week.
- iii) Human Resources Office. The Human Resources Office is located in Browning Hall. The Human Resources Office is available during business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) by phone at (479) 968-0396.

*If one of the parties designated above is the Respondent or is otherwise at issue in a Complaint, or if an individual is otherwise uncomfortable making a complaint to one of the parties listed above, the individual may report alleged Sexual Misconduct to any other party or office in the above list.*

If an employee of the University Public Safety Department, or the Human Resources Office receives a report of alleged Sexual Misconduct, that employee must notify the University's Title IX Coordinator.

**Confidential Disclosure.** The University encourages victims of sexual misconduct to talk to somebody about what happened so that victims can get the support they need, and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." At Arkansas Tech, the following employees are the licensed counselors staffed in the Health and Wellness Center (<http://www.atu.edu/hwc/index.php>) located in Dean Hall:

- Kristy Davis, [kdavis51@atu.edu](mailto:kdavis51@atu.edu), (479) 968-0329
- Craig Witcher, [cwitcher@atu.edu](mailto:cwitcher@atu.edu), (479) 968-0329
- Hunter Bramlitt, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu), (479) 968-0329
- Janis Taylor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu), (479) 968-0329

Disclosures made to the counseling staff at the Health and Wellness Center will be held in strict confidence and will not serve as notice to the Office of Affirmative Action requiring an initiation of a review of the disclosed conduct. Please note that all university employees, except for the counseling staff and the medical professionals, serve as mandatory reporters who are required to share immediately all reports of sexual misconduct that they receive with the Title IX Coordinator or the Deputy Title IX Coordinator.

If the counseling staff member determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, the Department of Public Safety may be called upon to issue a timely warning via the CEON system. Any such warning will not include any information that identifies the victim.

**All other University employees who are not barred by statute have a duty to immediately report all the details of an incident of sexual misconduct** (including the identities of both the victim and alleged perpetrator, any witnesses, and other relevant facts, including date, time, and specific location of alleged incident) to the Title IX Coordinator or the Deputy Title IX Coordinator. A report to these employees constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation. When a victim reports an incident of sexual misconduct, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to an employee will be shared only with people responsible for handling the University's response to the report and will not be shared with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement. If the victim requests confidentiality, the employee will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will inform the Title IX Coordinator of the victim's request for confidentiality.

An individual may report alleged Sexual Misconduct to a faculty or staff member other than those referenced above. No member of the University community may discourage an individual from reporting alleged incidents of Sexual Misconduct. A faculty or staff member with any knowledge (including firsthand observation) about a known or suspected incident of Sexual Misconduct (other than health-care professionals and others who are statutorily barred from reporting) must immediately report the incident to the Arkansas Tech University Public Safety Department or the

University's Title IX Coordinator. No employee is authorized to investigate or resolve Complaints without the involvement of the University's Title IX Coordinator or Deputy Title IX Coordinator.

**Anonymous Reporting.** Although the University encourages victims to talk to someone, Arkansas Tech provides an online form for anonymous reporting. The system will notify the user that entering personally identifying information may serve as notice to the University for the purpose of triggering an investigation. The form can be found at this link: <http://www.atu.edu/psafe/psafe-report-sexassault.php>. Individuals who choose to file anonymous reports are advised that it may be very difficult for the University to follow up or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

#### **ARTICLE IV. PROCEDURES APPLICABLE TO COMPLAINTS OF SEXUAL MISCONDUCT**

##### **(a) Overview**

- (i) **Oversight.** The Title IX Coordinator and/or deputy Title IX Coordinator will be responsible for conducting the prompt, fair, and impartial investigation of Complaints filed with the University.
- (ii) **Conflicts.** If any administrator or employee that is designated by this Policy to participate in the investigation or resolution of a Complaint is the Respondent (including, but not limited to, the Title IX Coordinator), then the President will appoint another University administrator to perform such person's duties under this Policy. (If the President is the Respondent, then the Title IX Coordinator will appoint another University administrator to perform her duties under this Policy.)
- (iii) **Timing.** The University will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. The University's investigation and resolution of a Complaint (not including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances. Hearings, if any, will take place after the conclusion of the investigation. If hearings have taken place, both the Complainant and the Respondent generally will receive a Final Outcome Letter within 7 calendar days of the conclusion of the hearings.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary and for good cause.

- (iv) **Request Not to Pursue Complaint.** A Complainant (or alleged victim, if not the Complainant) may determine after filing a Complaint that he or she does not wish to pursue resolution of the Complaint through the University. The University takes such requests seriously. However, such individuals are advised that such requests may limit the University's ability to take action in response to a Complaint. Title IX requires the University to evaluate the request(s) that a Complaint not be adjudicated in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the request(s) against the following factors:

- 1) The seriousness of the alleged Sexual Misconduct;
- 2) The Complainant's and/or alleged victim's age;
- 3) Whether there have been other Complaints of Sexual Misconduct against the Respondent;
- 4) The Respondent's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA, and
- 5) The applicability of any laws mandating disclosure.

Even when the University is in receipt of a request not to pursue an investigation, Title IX requires the University to take reasonable action in response to the information known to it; thus, the University may take such measures and impose such discipline as are deemed necessary by the Title IX Coordinator. The Complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

- (v) **Interim Measures.** If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator reasonably believes that a Respondent who is a member of the University community poses a substantial threat of harm to any member of the campus community; threatens or endangers University property; or disrupts the stability and continuance of normal University operations and functions, the Title IX Coordinator may take actions such as the following:

1. For student Respondents:
  - (a) Request that Student Services:
    - (i) summarily suspend the Respondent from campus housing on an interim basis and/or restrict his or her movement on campus, or
    - (ii) suspend the Respondent from campus;
2. For employee Respondents, request that the individual authorized to make personnel decisions regarding the employee at issue:
  - (a) take such steps as are reasonable, appropriate, and necessary to restrict the Respondent's movement on campus; or
  - (b) reassign the Respondent or place him or her on administrative leave.

These actions may be appealed by student Respondents to the Vice President of Student Services, and by employees to the respective Vice President or Athletic Director over their division.

**(b) Initial Meetings with the Title IX Coordinator.**

- (i) **Complainant's Initial Meeting with the Title IX Coordinator.** As soon as is practicable after receiving notice of a Complaint, the Title IX Coordinator will contact the Complainant to schedule an initial meeting. If the Complainant is not the alleged victim, the Title IX Coordinator also will contact the alleged victim as soon as possible to schedule an initial meeting and will discuss item number 5 listed below with the alleged victim rather than the Complainant. All mentions of the "Complainant" in items 1-9 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 will, as applicable:

1. Provide the Complainant a copy of this Policy;
2. Provide the Complainant with a Sexual Misconduct Complaint Form (a copy of which is attached as Appendix D) on which the Complainant may, if he or she agrees 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 Sexual Misconduct (the Complainant may either complete the form him- or herself or he or she may choose to dictate the information to the Title IX Coordinator, who will confirm the accuracy of his or her documentation with the Complainant);
3. Explain avenues for formal resolution and informal resolution (mediation) of the Complaint;
4. Explain the steps involved in a Sexual Misconduct investigation;
5. Discuss confidentiality standards and concerns with the Complainant;
6. Determine whether the Complainant wishes to pursue a resolution (formal or informal) through the University, or no resolution of any kind;
7. Refer the Complainant to the Counseling Center or other resources, as appropriate; and
8. Discuss with the Complainant, as appropriate, possible interim measures that can be provided to the Complainant during the pendency of the investigative and resolution processes. The University may implement such measures if requested, appropriate, and reasonably available, whether a formal Complaint has been filed (with either the Title IX Coordinator or law enforcement agencies) or whether an investigation has commenced (by either the Title IX Coordinator or law enforcement agencies). Interim measures may include, but are not limited to:
  - a) issuing no-contact orders to prevent any contact between the Complainant, the Respondent, witnesses and/or third parties;
  - b) providing the Complainant an escort to ensure that he or she can move safely between classes, work, and/or activities;
  - c) changing a Complainant's or a Respondent's on-campus housing or dining, if any, to a different on-campus location and providing assistance from University support staff in completing the relocation;
  - d) arranging to dissolve a campus housing contract and offering a pro-rated refund;
  - e) changing work arrangements;
  - f) rescheduling class work, assignments, and examinations without penalty;
  - g) arranging for the Complainant to take an incomplete in a class; or
  - h) moving the Complainant or the Respondent from one class section to another without penalty;
  - i) permitting a temporary withdrawal from the University;

- j) providing alternative course completion options without penalty;
  - k) providing counseling services;
  - l) suspension of Respondent's social privileges;
  - m) taking disciplinary action against the Respondent before resolution of the Complaint;
  - n) providing academic support services such as tutoring.
9. A Complainant will receive written notification of the availability of the interim measures set forth in section 8 above whether or not the Complainant chooses to report the incident to the University Public Safety Department or local law enforcement.

Following the initial meeting with the Complainant (and the alleged victim, if not the Complainant), the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the Complainant (and to the alleged victim, if not the Complainant). Such determination will be promptly communicated to the Complainant and/or alleged victim, as applicable (and in no event that later than the point at which it is communicated to the Respondent) and the Respondent.

- (ii) **Respondent's Initial Meeting with the Title IX Coordinator.** If the alleged victim wishes to pursue a formal or informal resolution through the University or if the University otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the Complainant (and if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator will, as applicable:

- 1) Provide Respondent with a copy of the Complaint;
- 2) Provide Respondent with a copy of this policy;
- 3) Explain the University's procedures for formal resolution and informal resolution (mediation) of the Complaint;
- 4) Explain the steps involved in a Sexual Misconduct investigation;
- 5) Discuss confidentiality standards and concerns with the Respondent;
- 6) Discuss non-Retaliation requirements with the Respondent;
- 7) Inform the Respondent of any interim measures already determined and being provided to the Complainant and/or the alleged victim (if not the Complainant) that directly affect the Respondent (e.g. changing his or her class schedule, or moving him or her to an alternate residence hall);
- 8) Refer the Respondent to the Counseling Center or other resources, as appropriate; and
- 9) Discuss with the Respondent, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes. The University may implement such measures if requested, appropriate, and reasonably available, whether a formal Complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced.

**(c) The Investigation.**

- (i) Upon receipt of the Complaint, the Title IX Coordinator will promptly begin his or her investigation, taking steps such as:

- 1) Conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses and summarizing such interviews in written form;
- 2) Visiting, inspecting, and taking photographs at relevant sites; and
- 3) Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies pursuant to a Memorandum of Understanding).

Through the investigation, the Title IX Coordinator will remain neutral. The Title IX Coordinator will receive annual training on issues related to sexual harassment, sexual assault, intimate partner violence, and stalking.

The Title IX Coordinator should obtain, where applicable, and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any Personally Identifiable Information contained in the Complaint, the Investigative Report, and/or any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of this Complaint.<sup>2</sup>

The Title IX Coordinator will complete a written investigative report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question (“the Investigative Report”). The Title IX Coordinator will distribute the Investigative Report, concurrently, to the alleged victim and the Respondent. The Title IX Coordinator will also provide a copy to the Dean of Students who shall serve as the Chair of the Hearing Board. All parties to whom the Investigative Report is distributed pursuant to this Policy must maintain it in confidence; the Investigative Report may only be disclosed as contemplated by this Policy.

**(d) Formal Versus Informal Resolution.**

At any time before the Hearing Board provides the Notice of Appointment in accordance with Section V(b)(ii)(2), the alleged victim may elect to resolve his or her Complaint through the informal resolution (mediation) process in accordance with Article VI of this Policy, provided that:

- (i) The Respondent agrees to such resolution;
- (ii) The alleged victim and the Respondent are both students or are both employees of the University;
- (iii) The Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the complaint; and
- (iv) The Complaint does not involve Sexual Assault.

Otherwise, a Complaint will proceed to formal resolution in accordance with Article V of this Policy.

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<sup>2</sup> If the Title IX Coordinator is unable to obtain the consent of such third-party witnesses, he or she will redact the Investigative Report to the extent necessary to avoid inappropriate disclosure of such witness’s Personally Identifiable Information, while ensuring that such redaction does not prevent resolution of the Complaint.

## ARTICLE V. FORMAL RESOLUTION

### (a) Respondent's Acknowledgement of Responsibility Prior to Hearing.

At any time prior to the date of his or her designated hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Title IX Coordinator will propose sanction(s). If the victim 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 victim or the Respondent objects to such proposed sanction(s), then the Sexual Misconduct Hearing Board will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal pursuant to Section V(b)(v) of this Policy.

### (b) The Formal Resolution Process.

In the case of formal resolution, the Sexual Misconduct Hearing Board will conduct a hearing in which it will question the Complainant, the alleged victim (if not the Complainant), the Respondent, and any witnesses or other third parties whose testimony the Hearing Panel deems relevant. The Sexual Misconduct Board will determine whether there has been a violation of the Sexual Misconduct Policy, and if there has been, will determine the sanction to be imposed on the Respondent.

- (i) **The Sexual Misconduct Hearing Board.** The Sexual Misconduct Hearing Board shall have three members. The composition of the Hearing Board will be one faculty member and one staff member, and will be chaired by the Dean of Students. By August 15<sup>th</sup> of each year, the President of the University shall appoint two faculty members and two staff members to serve as Sexual Misconduct Hearing Board members for a period of one year. Each member of the Hearing Board will receive training annually.
- (ii) **Notice of Appointment.** Upon receipt of the Investigative Report from the Title IX Coordinator, the Dean of Students will appoint one faculty member and one staff member from the group of Sexual Misconduct Hearing Board members. Promptly after appointing the members of the Hearing Board, the Dean of Students will provide concurrent written Notice of Appointment of the Hearing Board to the alleged victim and the Respondent, setting forth the names of the individuals selected to serve on and chair the Sexual Misconduct Hearing Board, as well as the alleged policy violation along with information related to the formal conduct hearing.

The parties may challenge the participation of any member of the Hearing Board by submitting a written objection to the Title IX Coordinator within three days of receipt of the Notice of Appointment. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the Hearing Board. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Hearing Board. Any changes in the composition of the Hearing Board will be provided in writing to both parties prior to the date of the hearing.

### (iii) Hearing Policies and Procedures.

- 1) **Submission of Written Material by the Parties.** Within five days of receipt of the Notice of Appointment of the Hearing Board, the alleged



victim and the Respondent may provide the Chair of the Hearing Board with (1) a list of witnesses, if any, that they propose that the Hearing Board call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, (2) a written statement of position, and (3) copies of all documents to be presented at the hearing. Failure to provide this information in a timely manner may result in the loss of the ability to provide this information. The Title IX Coordinator and/or the Deputy Title IX Coordinator will present the Investigative Report at the hearing.

- 2) **Notice of Hearing.** Not less than five days but not more than 10 days after delivery of Notice of Appointment of the Hearing Board to the parties, the Hearing Board will provide a separate notice to the alleged victim, the Respondent, and any witnesses or other third parties whose testimony the Hearing Board deems relevant, requesting such individuals to appear before the Hearing Board. The notice should set forth, as applicable, the date, time, and location of the hearing. In this Notice of Hearing, the Hearing Board will provide the names of witnesses or other third parties that the Hearing Board plans to call.
- 3) **Failure to Appear.** If the alleged victim or the Respondent fails to appear before the Hearing Board if requested to do so, and such party was provided with proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Board will proceed to determine the resolution of the Complaint.
- 4) **Support Persons.** The alleged victim and the Respondent each have the right to be assisted by one advisor of their choice, and at their expense. The alleged victim and the Respondent are each responsible for presenting his or her own information. An Advisor may communicate with his or her advisee privately, but he or she may not address the Hearing Board, cross-examine witnesses, or have any other speaking role. The alleged victim and the Respondent must notify the Dean of Students who they are bringing at least two days prior to the hearing. Failure to meet this deadline may result in the loss of the ability to have the advisor present. The alleged victim and Respondent should select an advisor whose schedule allows attendance at the schedule date and time of the hearing; delays will not normally be allowed due to the scheduling conflicts of an advisor. The advisor must maintain confidentiality regarding any and all communications exchanged pursuant to this Policy.
- 5) **Other Advisors.** Absent accommodation for disability and except as set forth in this Section V(b)(iii)(4), the parties may not be accompanied by any other individual during the hearing process.
- 6) **Evidentiary Matters.** The alleged victim and the Respondent will have an equal opportunity to present evidence during their respective hearings. Formal rules of evidence will not be observed during the hearings.

Evidence of past sexual histories of the alleged victim or the Respondent will not be permitted at the hearing, with the following exception:

- a) The alleged victim's prior sexual conduct with the Respondent.

The Hearing Board shall clarify that evidence of a prior consensual dating or sexual relationship between the parties does not imply consent or preclude a finding of sexual misconduct in the instant case.

7) **Conduct of the Hearings.**

- a) **Generally.** The hearings will be conducted in an inquisitorial manner, which means that the Hearing Board will be responsible for asking questions of the parties and the witnesses and developing evidence through testimony. The Dean of Students, as Chair of the Hearing Board, will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony). Members of the University community are expected to provide truthful testimony. Any falsification of information or false testimony by any party or witness may subject that party or witness to disciplinary action.
- b) **Testimony of the Respondent.** The Respondent may choose not to testify or appear before the Hearing Board; however, his or her exercise of that option will not preclude the Hearing Board from making a determination regarding the Complaint filed against the Respondent.
- c) **Private.** Hearing shall normally be conducted in private. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Complaint, the Investigative Report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside the hearing proceedings, except as may be required or authorized by law.
- d) **Separate Hearings.** In hearings involving more than one respondent, the Dean of Students, as chairperson, may at his or her discretion, permit the hearings concerning each Respondent to be conducted separately or jointly.
- e.) **Cross examination.** The alleged victim and Respondent will not be allowed to directly cross-examine each other or witnesses.
- f) **Witnesses.** Witnesses other than the alleged victim and Respondent will be excluded from the hearing except during their specific witness testimony.

- g) **Record.** There shall be a single verbatim record, such as a digital recording, of all hearings before the Hearing Board, not including deliberations. The recording shall be the property of the University.
- h) **Separation of parties.** The Hearing Board may accommodate concerns for the personal safety, well-being, retaliation, and/or fears of the confrontation of the alleged victim, Respondent, and/or other witnesses during the hearing by providing a visual screen, or permitting participation by telephone, video conferencing or by other means.

**(iv) Outcome.**

- 1) **The Decision of the Hearing Board.** Following the conclusion of the hearing, the Hearing Board will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not<sup>3</sup> that the Respondent violated the Sexual Misconduct Policy. The deliberation portion of the hearing is closed to all but the Hearing Board members.

2) **Sanctions.**

- a) **Generally.** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Hearing Board. A full list of possible sanctions for students is attached as “Appendix E”.

The Hearing Board will determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the discriminatory effects of the violation of the Complainant, and if applicable, the University community at large.

- b) **Implementation of Sanctions.** Sanctions imposed are not effective until the resolution of any timely appeal pursuant to Section V(b)(v), below. However, if it is advisable that in order to protect the welfare of the victim or the University Community, the Hearing Board may recommend that any sanctions be effective immediately

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<sup>3</sup> In other words, the standard of proof will be “the preponderance of the evidence” standard.

and continue in effect until such time as the appeal process is exhausted.

- 3) **Final Outcome Letter.** Within 7 calendar days following the conclusion of the hearing, the Hearing Board will issue a written decision letter (the “Final Outcome Letter”) concurrently to the Respondent, the Complainant and the alleged victim (if not the Complainant), the Title IX Coordinator, the Vice President for Student Services if the Respondent is a student, and the appropriate Vice President or Athletic Director if the Respondent is an employee. The Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found responsible, if any; (3) sanctions imposed on the Respondent, if any; and (4) the option to appeal by either party. The University will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the redisclosure of information related to the outcome of the proceeding.

**(v) Appeals.**

- 1) **Respondent is a student or non-faculty employee.**

The alleged victim or the Respondent may appeal, in writing, the decision of the Hearing Board and/or the sanction imposed on the Respondent within 7 calendar days from the date of the Final Outcome Letter. The decision of the Hearing Board and the sanction imposed on the Respondent may, if desired, be appealed simultaneously. The only basis for appeal shall be:

- 1) Alleged failure of the Hearing Board to follow the procedures set forth in the Sexual Misconduct Policy; or
- 2) Consideration of new evidence that was not reasonably available at the time of the hearing before the Hearing Board.

Students should appeal to Susie Nicholson, Vice President for Student Services and University Relations, located in the Office of Student Services, Doc Bryan Student Services Center, Suite 202, (479) 968-0238, [snicholson@atu.edu](mailto:snicholson@atu.edu). Employees should appeal to the appropriate Vice President or Athletic Director. Typically a decision on the appeal will be issued within 7 calendar days of receipt of the appeal.

- 2) **Respondent is a faculty member.**

The alleged victim may appeal following the process set forth in Section 1 above. If the Respondent is a faculty member with tenure or with a special or probationary appointment and the sanction issued by the Hearing Board is dismissal before the end of a specified term, the procedures set forth Chapter II, Section E of the Faculty Handbook shall govern the Respondent’s appeal. If the Hearing Board issues a sanction which imposes a penalty other than dismissal, the procedures set forth in Chapter II, Section G of the Faculty Handbook shall govern the Respondent’s appeal.

## ARTICLE VI. INFORMAL RESOLUTION (MEDIATION)

Informal resolution is only appropriate if (i) the alleged victim requests it, (ii) the Respondent agrees to such resolution, (iii) the alleged victim and the Respondent are both Students or are both employees of the University, (iv) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (v) the Complaint does not involve sexual assault. Informal Resolution is not a prerequisite to pursuit of a formal resolution.

Informal resolution may not be selected for less than all of the misconduct alleged in the Complaint (for example the parties may not choose to resolve a claim of Sexual Assault according to the formal resolution process but mediate all other claims). If the parties agree to informal resolution (and informal resolution is appropriate for all of the claims at issue), then all of the claims must be resolved according to the informal resolution process.

The alleged victim has the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator may, where appropriate, terminate or decline to initiate informal resolution, and proceed with formal resolution instead. In such cases, statements or disclosure made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceeding.

### **(a) Respondent's Acknowledgement of Responsibility.**

At any time prior to the imposition of sanctions, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Title IX Coordinator will propose sanction(s) for the Respondent. If both the alleged victim and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without any further rights of appeal by either party.

If either the alleged victim or the Respondent objects to the proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining sanctions, which determination may be subject to appeal by either party pursuant to Section V(b)(v) of this Policy. For purposes of this sanction hearing, all of the other provisions of this Policy relating to the imposition of a sanction for Sexual Misconduct shall apply.

### **(b) The Informal Resolution Process.**

- (i) The Mediation; The Presiding Officer.** When the Complaint is to be resolved according to the informal resolution process, there will be a mediation overseen by the Title IX Coordinator or a Deputy Title IX Coordinator.
- (ii) Notice of the Mediation.** The Title IX Coordinator will provide concurrent written notice to the alleged victim and the Respondent, setting forth the date, time and location of the mediation.
- (iii) No Contact Prior to Mediation.** The parties may not contact each other outside of the mediation, even to discuss the mediation.
- (iv) Attendance.** Both the alleged victim and the Respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, then absent extenuating circumstances, the Title IX Coordinator may either direct that resolution of the Complaint be determined according to the formal resolution process set forth

above, or if the alleged victim fails to appear without good cause, dismiss the Complaint.

(v) **The Mediation.**

1) **The Alleged Victim's Rights.** During the mediation, the alleged victim may:

- (a) Confront the Respondent in the presence of, and facilitated by, the Presiding Officer.
- (b) Communicate his or her feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with the Respondent or by communicating indirectly with the Respondent through the Presiding Officer), and/or
- (c) Relay his or her wishes and expectations regarding protection in the future.

2) **Resolution.** During the mediation, the Presiding Officer will attempt to facilitate the parties' resolution of the Complaint. If the mediation results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the alleged victim and the entire University community), the informal disciplinary procedure will be concluded and the Complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article V of this Policy will promptly commence.

(vi) **Privacy and Disclosure.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation (including the Investigative Report and the Notice of Mediation) and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.

## Appendix A to

### SEXUAL MISCONDUCT POLICY AND PROCEDURES

#### **Suggested Actions for Victims of Sexual Assault**

While all types of Sexual Misconduct are inappropriate and taken seriously by the University, actions involving Sexual Assault (as defined in Appendix B) are particularly concerning. Thus, if you are the victim of a Sexual Assault, the University'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 criminal or University disciplinary charges.

#### **1. Ensure Your Physical Safety.**

You may seek help from local **law enforcement agencies** or by contacting the **Arkansas Tech University Department of Public Safety**. The Department of Public Safety can assist you and are on duty at the University Police Department 24 hours a day, seven days a week.

#### **2. Seek Medical Assistance and Treatment.**

Local options for medical care include the **University Health and Wellness Center** on the Russellville campus, **Saint Mary's Regional Medical Center** in Russellville, and **Mercy Hospital in Ozark**. It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine the possibilities of physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs).

Employees at the University Health and Wellness Center can help you contact a support person, such as a family member, a friend or roommate.

If you choose to have an evidence collection kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided to file charges, it is advisable to have the evidence collection kit completed so that you can preserve the options of obtaining a protective order and/or filing criminal charges at a later date. Saint Mary's Regional Medical Center administers evidence collection kits. Individuals in Russellville may go directly to Saint Mary's Regional Medical Center or may be referred to the hospital by the University Health and Wellness Center. Those in Ozark may go directly to Mercy Hospital Ozark.

In order to best preserve evidence for an evidence collection kit, it may be advisable to avoid showering, bathing, going to the bathroom or brushing your teeth before the kit is collected. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An evidence collection kit can still be completed even if you have showered or bathed.

#### **3. Obtain Emotional Support.**

The **Arkansas Tech University Health and Wellness Center** can help victims 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 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' University records, and will not be reported to other University personnel.

#### **4. Obtain Information / Report Misconduct.**

You are encouraged to report incidents of Sexual Assault to the University's Title IX Coordinator or other designated University individuals or offices as outlined in the Sexual Misconduct 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 body of the Arkansas Tech University Sexual Misconduct Policy and Procedures. University personnel can help you access resources and can provide you with support and information, including information on the University's procedures for investigating and addressing instances of Sexual Assault.

#### **Important Contact Information**

##### **University Resources**

Arkansas Tech University's *Title IX Coordinator* is Jennifer Fleming, whose office is located in Room 212 of the Administration Building. Ms. Fleming may be contacted from 8 a.m. to 5 p.m. Monday through Friday by phone at 479-498-6020 or by email at [jfleming@atu.edu](mailto:jfleming@atu.edu).

Arkansas Tech University's *Deputy Title IX Coordinator* is Amy White, whose office is located in Tucker Coliseum. Ms. White may be contacted from 8:00 a.m. to 5 p.m. Monday through Friday by phone at (479) 498-6071 or by e-mail at [awhite@atu.edu](mailto:awhite@atu.edu)

The *Arkansas Tech University Department of Public Safety* is located at 1508 North Boulder Avenue on the ATU main campus in Russellville, Arkansas, and is available by phone at 479-968-0222. University Police Officers are available 24/7.

The *Office of Human Resources* is located in Browning Hall and is available by phone at 479-968-0396. The office is staffed from 8 a.m. until 5 p.m. Monday through Friday.

The *Arkansas Tech University Health and Wellness Center* is located in Dean Hall 126 and is available by phone at 479-968-0329. The Center is staffed from 8 a.m. until 5 p.m. Monday through Friday. <http://www.atu.edu/hwc/index.php>

##### **Community Resources**

*Russellville Police Department and the Ozark Police Department* can be reached by calling 911.

Saint Mary's Regional Medical Center is located at 1808 West Main Street, Russellville, Arkansas. The Emergency Department can be reached at 479-968-6211.

Mercy Hospital in Ozark is located at 801 W. River, Ozark Arkansas, 72949. (479) 667-4138.

Ozark Rape Crisis Center, 715 W. Main Street, Clarksville, AR, 72830. Telephone number (479) 754-6869. Internet address: <http://www.ozarkrapecrisis.com/>

5<sup>th</sup> Judicial District Prosecuting Attorney's Office "Victim Assistance Outreach Program". Telephone number (479) 705-0579



## Appendix B

### Definitions

**Clery Act.** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“the Clery Act”) is a federal statute codified at 20 U.S.C. §1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses as well as to give timely warning of dangers on campus.

**Complainant.** A “Complainant” is an individual who reports or files a Complaint. A Complainant may be someone other than the person who may have been subjected to the Sexual Misconduct.

**Complaint.** A “Complaint” is an allegation of Sexual Misconduct asserted against another party and reported to or filed with the University.

**Consent.** “Consent” is informed, freely and actively given and mutually understandable words or actions that indicate a willingness to participate in a mutually agreed-upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Consent cannot be inferred from:

1. Silence, passivity, or lack of resistance alone;
2. A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
3. Attire;
4. The buying of dinner or the spending of money on a date; or
5. Consent previously given (i.e. consenting to one sexual act does not imply consent to another sexual act.)

Consent is not effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by:

1. A person in Arkansas under the age of 14.
2. A mentally disabled person, if their disability was reasonably knowable to a sexual partner who is not mentally disabled.
3. Persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep, or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. The use of alcohol or drugs does not excuse conduct that constitutes Sexual Misconduct under this Policy.

**Dating Violence.** “Dating Violence” means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship,
  - b. The type of relationship, and
  - c. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence.** “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Arkansas, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of Arkansas.

**FERPA.** The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. §1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

**Rape.** “Rape” is the act of sexual intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without Consent, including vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

**Respondent.** A “Respondent” is an individual who has been accused of committing Sexual Misconduct by the report or filing of a formal or informal Complaint.

**Retaliation.** “Retaliation” means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Complaint of Sexual Misconduct, including, but not limited to direct and indirect intimidation, threats, and harassment.

**Sexual Assault.** “Sexual Assault” means any actual, attempted, or threatened sexual act with another person without that person’s Consent. Sexual Assault includes, but is not limited to:

1. Rape and attempted Rape;
2. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, with effective Consent, or a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive.

3. Any sexual act in which there is force, violence, or use of duress or deception upon the victim;
4. Any sexual act perpetrated when the victim is unable to give Consent; and
5. Sexual intimidation, which includes, but is not limited to:
  - a. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her Consent,
  - b. Stalking or cyber-stalking, and
  - c. Engaging in indecent exposure.

**Sexual Exploitation.** “Sexual Exploitation” means any act of taking non-Consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual Exploitation includes, but is not limited to:

1. Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
2. Prostituting another person (i.e. personally gaining money, privilege or power from the sexual activities of another);
3. Non-Consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;
4. Exceeding the boundaries of Consent (e.g., allowing another person to observe Consensual sex without the knowledge of or Consent from all participants);
5. Voyeurism; and
6. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

**Sexual Harassment.** “Sexual Harassment” is defined as unwelcome conduct that is severe and pervasive, which substantially interferes with the learning, working, or living environment, and which would detrimentally affect a reasonable person under the circumstances. Harassment is extreme, outrageous or persistent acts or communications that are intended or reasonably likely to harass, intimidate or humiliate another. Whether the alleged conduct constitutes prohibited harassment depends on the entire circumstances, including the nature, frequency, type and duration of the conduct. Examples of sexual harassment may include, but are not limited to, the following:

- i. Verbal abuse of a sexual nature, which is considered to include, but is not limited to, epithets, derogatory comments, sexual advances, invitations, propositions, comments, or requests for sexual favors;
- ii. Intimate unwelcome physical contact;
- iii. Repeated unwanted discussions of sexual matters;
- iv. Use of sexual jokes, stories, analogies, or images which are not related to the subject of the class or work situation;

- v. Ogling, leering, or prolonged staring at another person's body;
- vi. Display or use of sexual graffiti or sexually-explicit pictures or objects;
- vii. Sexually suggestive jokes, comments, e-mails, or other written or oral communications;
- viii. Condition, explicitly or implicitly, academic or employment decisions upon an individual's submission to requests for sexual favors or conduct.

Sexual harassment by any faculty, staff or student is a violation of both federal regulatory law and University policy and will not be tolerated at Tech. The University considers sexual harassment to be a very serious issue and shall subject the offender to dismissal or other sanctions following the University's investigation and substantiation of the complaint and compliance with due process requirements.

The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be generally described as repeated and unwanted sexual behavior, such as physical contact and verbal comments or suggestions that adversely affect the working or learning environments of others.

EEOC Guidelines define sexual harassment as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the University or a factor in the educational program of a student, and/or;
- b. Submission to or a rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individuals, and/or;
- c. Such conduct has the purpose or effect of substantially interfering with an individual's right to achieve an educational objective or to work in an environment free of intimidation, hostility, or threats stemming from acts or language of a sexual nature.

Although sexual harassment most frequently occurs when there is an authority differential between the persons involved (faculty member and student, supervisor and staff member), it may also occur between persons of the same status (e.g. faculty-faculty, staff-staff, student-student). Both men and women may be victims of sexual harassment, and sexual harassment may occur between individuals of the same gender.

Because of the unique situations which exist between students, faculty, supervisors, and staff, relationships in the workplace and on campus should at all times remain professional. In particular, due to the professional power differential between faculty and students, faculty members are encouraged to remain professional in all relationships with students. As teachers, professors encourage the free pursuit of learning by their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

Sexual harassment may create a hostile, abusive, demeaning, offensive, or intimidating environment. It is manifested by verbal or physical actions, including gestures and other symbolic conduct. Sexual harassment is not always obvious and overt; it can also be subtle and covert. A person who is subject to sexual advances may nevertheless be a victim of sexual harassment if those advances were unwelcome.

If a professor's speech or conduct takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

**Sexual Misconduct.** "Sexual Misconduct" means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without Consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. The University encourages reporting of all Sexual Misconduct. Sexual Misconduct includes, but is not limited to:

1. Dating violence;
2. Domestic violence;
3. Non-forcible sex acts, which are unlawful sexual acts where Consent is not relevant, such as sexual contact with an individual under the statutory age of Consent, as defined by State law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.
4. Sexual Assault;
5. Sexual Exploitation;
6. Sexual Harassment; and
7. Stalking.

**Stalking.** "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

**Student.** A "student" is any student who is registered at the University or enrolled at the University (a) at the time of the alleged Sexual Misconduct *and* (b) at the time a Complaint is filed.

## Appendix C

### Reporting and Confidentially Disclosing Sexual Violence: Know the Options

Arkansas Tech University encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately.

Different employees on campus have different abilities to maintain a victim’s confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim’s wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

#### The Options

##### A. Privileged and Confidential Communications.

- *Professional Counselors*

Professional, licensed counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are generally not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

The following is the contact information for these individuals who are all located in the Health and Wellness Center (<http://www.atu.edu/hwc/index.php>) in Dean Hall:

Kristy Davis, [kdavis51@atu.edu](mailto:kdavis51@atu.edu), (479) 968-0329  
Craig Witcher, [cwitcher@atu.edu](mailto:cwitcher@atu.edu), (479) 968-0329  
Janis Taylor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu), (479) 968-0329  
Hunter Bramlitt, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu), (479) 968-0329

A victim who speaks to a professional counselor must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors will provide the victim with assistance if the victim wishes to do so.

- ***Medical Professionals***

The medical professionals who work in the on-campus health center can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these Medical Professionals:

Rebecca Gray, Advanced Practice Registered Nurse  
[rgray12@atu.edu](mailto:rgray12@atu.edu)

Robin Koontz, Advanced Practice Registered Nurse  
[rkoontz@atu.edu](mailto:rkoontz@atu.edu)

Heather Stout, Registered Nurse  
[hstout1@atu.edu](mailto:hstout1@atu.edu)

(479) 968-0329  
Health and Wellness Center, Dean Hall 126  
(<http://www.atu.edu/hwc/index.php>)

**NOTE:** While the professional counselors and medical professionals may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law. For example, mandatory reporting to law enforcement in case of minors; instances of imminent harm to self or to others; or being subpoenaed to testify in a criminal case.

**ALSO NOTE:** If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, those individuals who serve as Campus Security Authorities under the Cleary Act may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

## **B. Reporting to “Responsible Employees.”**

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee **must report** to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

The following employees (or categories of employees) are the University’s responsible employees:

**Resident Directors, Resident Assistants, Area Coordinators, Associate Deans, Dean of Students, President, Chancellor, Vice Presidents, Vice Chancellors, Assistant Vice Presidents, Academic Department Heads, Academic Deans, Athletic Director, Assistant Coaches, Head Coaches, Faculty Advisors for Student Groups, employees in the Department of Public Safety.**

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

**Requesting Confidentiality From the University: How the University Will Weigh the Request and Respond.**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Ms. Jennifer Fleming, Title IX Coordinator



When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

**If the University determines that it cannot maintain a victim's confidentiality**, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

### **Miscellaneous**

#### **Take Back the Night and other public awareness events**

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

#### **Anonymous Reporting**

Although the University encourages victims to talk to someone, the University provides an online system for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the University for the purpose of triggering an investigation. The website is: <http://www.atu.edu/psafe-report-sexassault.php>

#### **Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

#### **Victim Assistance Outreach Program**

The 5<sup>th</sup> Judicial District Prosecuting Attorney's Office has a "Victim Assistance Outreach Program" which 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 contact person for this program is Patricia Andrade. Her telephone number is (479) 705-0579.

#### **Ozark Rape Crisis Center**

Located in Clarksville, Arkansas, this entity provides 24 hour crisis intervention. The hotline telephone number is (800) 818-1189 and the website is: <http://www.ozarkrapecrisis.com/>

**NOTE:** While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law in instances such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.

APPENDIX D  
ARKANSAS TECH UNIVERSITY SEXUAL MISCONDUCT POLICY AND PROCEDURES

SEXUAL MISCONDUCT COMPLAINT FORM

Today's Date \_\_\_\_\_

INFORMATION REGARDING THE COMPLAINANT

Name of the Complainant: \_\_\_\_\_

Complainant's Phone Number: \_\_\_\_\_

The complainant is (*please check one*):

a faculty member                       a student

a staff member                       not affiliated with the University

For faculty, staff & students, indicate whether (*please check one*):     current         former

INFORMATION REGARDING THE VICTIM (*IF HE OR SHE IS NOT THE COMPLAINANT*):

Name of the Victim: \_\_\_\_\_

The victim is (*please check one*):

a faculty member     a student

a staff member         not affiliated with the University

For faculty, staff & students, indicate whether (*please check one*):     current         former

INFORMATION REGARDING THE RESPONDENT:

Name of the Respondent: \_\_\_\_\_

The respondent is (*please check one*):

a faculty member     a student

a staff member         not affiliated with the University

For faculty, staff & students, indicate whether (*please check one*):     current         former

INFORMATION REGARDING THE ALLEGED SEXUAL MISCONDUCT:

Time & Date of the alleged Sexual Misconduct: \_\_\_\_\_

Location of the alleged Sexual Misconduct: \_\_\_\_\_

on campus     off campus

SEXUAL MISCONDUCT COMPLAINT FORM CONT.

WITNESSES OR THIRD PARTIES WHO MAY HAVE INFORMATION REGARDING THE ALLEGED SEXUAL MISCONDUCT:

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PLEASE PROVIDE A BRIEF DESCRIPTION OF THE ALLEGED SEXUAL MISCONDUCT:

*You may wish to consider including, among other things, some or all the following information in your description: the gender of the parties, the relationship between the parties, whether one or more of the parties were under the influence of alcohol or drugs at the time of the alleged Sexual Misconduct, whether the Respondent used pressure or force (physical or otherwise) in the course of the alleged Sexual Misconduct, and the frequency (if applicable) of the alleged Sexual Misconduct.*

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*Please feel free to use the reverse side of this form or separate pages to continue your description, if desired.*

## Appendix E

The following sanctions may be imposed singularly or in combination upon any student found to have violated the Student Code of Conduct:

- a. **Warning.** A notice in writing to the student that the student has violated institutional regulations.
- b. **Probation.** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
- c. **Loss of Privileges.** Suspension or denial of rights and privileges for a designated period of time, including participation in athletic or extracurricular activities.
- d. **Monetary Fines.** A penalty imposed by the conduct body involving the collection of fees from the student.
- e. **Restitution.** Compensation for loss, injury, damage to or misappropriation of University property. This may take the form of appropriate service and/or monetary or material replacement.
- f. **Educational Sanctions.** The conduct body may also impose educational sanctions that promote learning and understanding. These sanctions may be developed as necessary by a conduct body, including but not limited to the following:
  - i. Sponsorship of an education program;
  - ii. Attendance at educational programs;
  - iii. Requirement of members to complete TIPS University training program;
  - iv. Attendance in conflict management training;
  - v. Educational service hours;
  - vi. Attendance in ethics workshop/training;
  - vii. Reflective exercises.
- g. **Discretionary Sanctions.** Work assignments, service to the University or other related sanctions. Students who violate the alcohol/drug policies may be subject to completion of alcohol and other drug education programs.
- h. **Holds.** Withholding of grades, right to register for classes, official transcript and/or degree.
- i. **Denial of degree.** University degree may be denied, revoked and/or a diploma may be withdrawn.
- j. **Loss of Scholarship.** Scholarships awarded by the University or University-related programs may be partially or fully revoked.
- k. **Housing Suspension.** Separation of the student from University housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- l. **Housing Expulsion.** Permanent separation of the student from University housing.

- m. **University Suspension.** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- n. **University Expulsion.** Permanent separation of the student from the University.
- o. **Revocation of Admission and/or Degree.** Admission to or a degree awarded from Tech may be revoked for fraud, misrepresentation or violations of the Student Code of Conduct committed by a student prior to graduation.

Arkansas Tech may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy, including the completion of all sanctions imposed, if any.

A disciplinary sanction may become part of the student's permanent academic record. A student's permanent academic record includes any disciplinary sanction that comprises:

- a. Expulsion
- b. Any revocation of degree

Additional sanctions beyond those listed in this section may be imposed upon Registered Student Organizations. Please refer to Article III, Section 9 of the Student Code of Conduct.

## POLICY ON CONSENSUAL RELATIONS

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student.

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" over that student. An employee is in a "position of authority" whenever he or she is that student's teacher, or when the employee is either evaluating or supervising the student. The "position of authority" may also include formally advising the student or when that student is a major in the employee's department.

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" 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. 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. If this policy is violated, any discipline, if necessary, shall be reviewed on a case by case basis.

## \*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.

## \*\*NON-DISCRIMINATION POLICY

Arkansas Tech University does not discriminate on the basis of color, sex, sexual orientation, gender identity, race, age, national origin, religion, veteran status, genetic information, or disability in any of its practices, policies, or procedures. This includes, but is not limited to, employment, admissions, educational services, programs or activities which it operates, or financial aid.

Arkansas Tech University complies with all applicable state and federal laws including, but not limited to, Title VI and Title VII of the Civil Rights Act of 1964 as amended, Title IX of the Educational Amendments of 1972, Section 503 of the Rehabilitation Act of 1973, Section 504 of the Rehabilitation Act Amendments of 1974, Age Discrimination Act, Vietnam Era Veterans Readjustment Assistance Act, Uniformed Services Employment and Reemployment Act, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. Responsibility for implementation and compliance with this Non-Discrimination Policy has been delegated to Jennifer Fleming, Affirmative Action officer who can be reached by emailing [affirmative.action@atu.edu](mailto:affirmative.action@atu.edu) or calling 479-498-6020.

\*Approved Board of Trustees 10/21/10

\*\*Revised Board of Trustee 9/18/14



FACULTY EVALUATION, PROMOTION, AND TENURE  
POLICIES AND PROCEDURES  
(SECTION I)

EVALUATION

**Criteria for Evaluation**

Annual evaluations of faculty are intended to promote better teaching and professional development of the faculty. Evaluations will also be used in reappointment, promotion, and tenure decisions. Faculty will be evaluated in the following three areas:

- A. Teaching (60-80%)
- B. Scholarship (10-30%)
- C. University Service (10-30%)

The weight given to each area in a given year will be determined by the faculty member and department head. The agreement should be stated in writing with copies given to the department head and faculty member. This agreement may be amended to reflect changes in a faculty member's assignments with the mutual agreement of the faculty member and the department head. In those rare circumstances when agreement is not reached, the weighting will be decided upon by the Dean of the College after he/she has heard statements from both the Department Head and the faculty member. **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.**

**DEFINITIONS:**

**FORMATIVE EVALUATION: EVALUATION CONDUCTED TO ASSESS THE EFFECTIVENESS OF SPECIFIC TEACHING PRACTICES AND IDENTIFY AREAS FOR IMPROVEMENT OR DEVELOPMENT.**

**SUMMATIVE EVALUATIONS: EVALUATION CONDUCTED TO ARRIVE AT BROAD JUDGEMENTS OF TEACHING EFFECTIVENESS THAT ALLOW FOR COMPARISONS AMONG FACULTY MEMBERS AND THAT CAN BE USED TO MAKE PERSONNEL DECISIONS.**

A. Teaching will be evaluated on the basis of:

1. A university-wide, standard, student evaluation to measure effectiveness of classroom teaching.
2. An annual peer review of the teaching portfolio conducted by an elected departmental committee composed of tenured full-time faculty members that hold the rank of Associate Professor or Professor (suggested size 3-5 members). For a small department, faculty members may be added from a related department and exceptions to the rank and/or tenure condition may be made with approval of the Vice President for Academic Affairs. Classroom visitation, at the request of the faculty member, may also be included in the peer review process.

A teaching portfolio that chronicles teaching performance should be maintained to provide further evidence of effective teaching; portfolios are to include examples of such items as objectives, syllabi, exams, modifications of courses, teaching techniques used, grading procedures, distribution of course grades, in-class and out-of-class assignments, text used/changes for all courses taught; summaries of student evaluations; a list of advisees (i.e., number of advisees per year); records of student projects; records of special activities with students (clinical, internships, presentations, etc.); and records of workshops/special sessions developed, taught, attended, etc.

B. Scholarly/Creative Activity will be evaluated by, but is not limited to:

- 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; play writing, musicals, recitals, stage design, etc.).
- Integration of scholarship by reviewing or editing articles, journals, reports, essays, monographs, music scores, plays, stories and other creative endeavors, as well as textbooks, newsletters, popular publications, newspapers, documents, other public forums.
- Preparation of grant proposals with emphasis placed upon successful solicitations.
- Development of courses, programs or curricula including production of publicly available teaching materials, manuals, workbooks, study guides, films, videos, computer software, etc.
- Taking courses for continuing education, professional practices to obtain/maintain state or nationally recognized certifications/licensures.
- Conducting workshops, short courses, in-service education programs, forums or seminars in addition to normal teaching load.
- Supervision of graduate and undergraduate research projects; serving on graduate committees; advisor for graduate research project; reader of graduate research paper.
- Completion of terminal degree.

C. University Service will be evaluated by, but is not limited to:

- Service to the institution
  - quality of student advising
  - 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 overloads for reduced compensations
  - other (to be discussed and decided by faculty member and Department Head)

- Service to the profession
  - membership in professional organizations
  - attendance at professional meetings
  - holding office in professional organizations
  - serving on committees of professional organizations
  - providing 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
  - other (to be discussed and decided by faculty member and Department Head)
  
- Service to the community
  - participating in a community project
  - holding public office
  - assisting public organizations
  - public activity in organizations outside faculty member's area of expertise
  - service to public schools
  - providing consulting services (This may not be the sole component of the community service area.)
  - other (to be discussed and decided by faculty member and Department Head)

Individuals and committees evaluating portfolios for promotion or tenure should be aware of the diversity of disciplines.

The faculty member is expected to conduct himself/herself in a professional manner. This includes, but is not limited to, working collaboratively and collegially with colleagues, department heads, and deans. Academic standards are to be upheld, not only in the classroom, but in all segments of the faculty member's professional life.

The following five descriptive ratings will be used to rate each of the three evaluation categories:

5. Excellent
4. Good
3. Satisfactory
2. Needs Improvement
1. Unacceptable

Annual SUMMATIVE EVALUATIONS will be performed by:

1. The Department Head
2. The faculty member

### **Evaluation Procedures**

1. A written self evaluation of each of the three areas will be prepared annually by each faculty member.
2. A departmental peer review committee will meet annually with each non-tenured faculty member to provide a formative evaluation of the teaching area. A summary of this session

will be provided to the faculty member and the Department Head. **This is a formative evaluation.** (Note: Tenured faculty may request a meeting with the peer review committee, and the peer review committee may request a meeting with a tenured faculty member.)

3. The Department Head will annually review and rate the overall quality of teaching, scholarship, and university service through the use of student evaluations, peer reviews, and an evaluation of materials contained in portfolios. The Department Head will prepare a one-page, comprehensive summary of the three areas of evaluation for the faculty member. Copies of the Department Head's summary will be forwarded to the faculty member, Dean and Vice President of Academic Affairs. A faculty member has the option of attaching an addendum to the Department Head's comprehensive summary. **This is a summative evaluation.**
4. Following a review of the Department Head's evaluation, the faculty member should consult with the Department Head and formulate a plan for professional improvement for the coming year.
5. Department Head evaluations, student evaluation summaries, portfolio materials, and self-improvement plans become part of the faculty maintained documentation submitted for evaluation at each level of the promotion and tenure process.

#### **Additional Evaluation Procedures**

##### **A. Teaching**

1. Student Evaluation
  - a. All non-tenured faculty, including full-time, part-time, and graduate teaching assistants, must administer the university-wide student evaluation instrument in each semester to at least one section of each type or level of course the faculty member teaches (lower level, upper level, general education, graduate course).
  - b. Faculty members with tenure may choose to use the student evaluation in either the fall or spring semester, but should administer the instrument to at least one of each type of course taught.
  - c. The student evaluation instrument must be administered by a colleague, a staff member, or a student in the class, and the faculty member must be absent when it is administered.
  - d. Completed student evaluation instruments are collected by the colleague, staff member, or student, placed in a clearly labeled envelope, sealed, and delivered to the office of the Department Head or Dean.
  - e. The Department Head or Dean will review and tabulate the results of the evaluation and retain a summary of the results. After final grades for the course have been turned in to the registrar, the evaluation instruments will be given to the faculty member, and they become his or her property.
  - f. All student evaluations will include a question pertaining to assessment of the fluency in English of the faculty member or graduate teaching assistant.

## B. Scholarly/Creative Activities and Service

1. Each faculty member will maintain accurate and complete records of scholarly/creative activities and service to be used in promotion and tenure decisions. The activities include the items referred to in the earlier descriptions.
2. Each faculty member applying for review will supply, upon the request of her/his Department Head, a copy of this information to be used in the review process.

## C. Non-tenured faculty members

Each non-tenured faculty member will have a yearly evaluation session with her/his Department Head, as described above. At this session, the Department Head will present to the faculty member a written summary evaluation of the faculty member's performance in teaching, scholarly/creative activities, and service. This will be in accordance with the taxonomy and standards outlined above (in each category, the faculty member will be rated as excellent, good, satisfactory, needs improvement, or unacceptable).

The summary of the teaching evaluation instrument will be one, but only one, piece of information used to make this evaluation. Other information to be considered will include the record of teaching, scholarly/creative activities, and service maintained by the faculty member and supplied to the Department Head in advance of the evaluation session.

At the annual evaluation session, 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 in any category (teaching, scholarly/creative activities, or service).

At the conclusion of the evaluation session, a copy of the written **SUMMATIVE EVALUATION** will be supplied to the faculty member. Both the faculty member and the Department Head will sign to acknowledge that this conference has taken place. If the faculty member disagrees with any portion of the written **SUMMATIVE EVALUATION**, he/she may attach a written statement citing the disagreement and the reasons for this disagreement, to the written **SUMMATIVE EVALUATION**.

A copy of the written **SUMMATIVE EVALUATION** is retained by the faculty member, one copy is kept in the departmental file, one copy is forwarded to the Dean of the College, and one copy is sent to the Vice President for Academic Affairs.

The file of the faculty member's yearly **SUMMATIVE EVALUATIONS** will be used to assist in the determination of eligibility for promotion and tenure at the appropriate time according to the standards stated above.

## D. Tenured Faculty Members

The procedures for tenured faculty members will be the same as above. Information assembled will be used for promotion applications and decisions, as appropriate within the rules outlined above. Since the primary purpose of evaluation is the improvement of teaching at the University, all full-time faculty will undergo evaluation each academic year.

## PROMOTION

### Criteria for Promotion

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 in rank are expected to meet the following criteria for the appropriate rank as well as the time-in-rank guidelines. Deficiencies in either scholarly/creative activities or service may be counterbalanced by exceptional excellence in the other area. The criteria for teaching effectiveness may not be deficient in the ranks described below. All promotions require a positive recommendation by the Board of Trustees after review by a Department Head, Dean/Director, University Promotion and Tenure Committee (UPTC), Vice President for Academic Affairs, and President.

### Minimum Criteria for Promotion

- A. Present rank: This policy shall not alter the rank of any faculty member held at the time of adoption of this policy.
- B. The following information should be considered **MINIMAL**. The criteria deal with degree, length of time in rank, and a judgment of performance.

#### Assistant Professor

- 1. A master's degree in the discipline.
- 2. At least five years as an instructor.
- 3. Classroom instruction or job performance must be judged by the Department Head as at least "satisfactory" in four of the last five years in which the faculty member was formally evaluated.

OR

- 1. A master's degree plus 30 approved graduate semester hours.
- 2. At least four years experience as an instructor.
- 3. Classroom instruction or job performance must be judged by the Department Head as at least "satisfactory" in three of the last four years in which the faculty member was formally evaluated.

OR

- 1. An earned terminal degree.
- 2. Classroom instruction or job performance must be judged by the Department Head as "good."

#### Associate Professor

- 1. An earned terminal degree in the discipline.
- 2. At least six years of experience as an assistant professor.

3. Classroom instruction must be judged by the department head as at least "satisfactory" in four of the last five years in which the faculty was formally evaluated.
4. Scholarly/creative activities and university service must be judged by the Department Head as "satisfactory" in a majority of annual evaluations.

**Professor**

1. An earned terminal degree in the discipline.
  2. At least six years of experience as an associate professor.
  3. Classroom instruction must be judged by the department head as at least "good" in four of the last six years with no ratings below "satisfactory."
  4. Scholarly/creative activities and university services must be judged by the Department Head as "good" in four of the last six years in which the faculty member was formally evaluated.
- C. Years of experience in rank means experience at the institution 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. The maximum time to be allowed for prior service is three years at an accredited institution of higher learning.
- D. Where the term "approved graduate hours" appears, final determination of what graduate hours are approved for consideration shall be made by the Deans of the Colleges.
- E. If a faculty member fails to qualify for promotion because of degree requirements, that requirement may be waived when the time in rank is as follows:
1. To Assistant Professor: at least nine years experience as instructor.  
Requirements with regard to teaching, scholarly/creative activities, and university service remain the same.
  2. To Associate Professor: at least nine years experience as assistant professor.  
Requirements with regard to teaching, scholarly/creative activities, and university service remain the same.
  3. To Professor: at least eleven years experience as associate professor.  
Requirements with regard to teaching, scholarly/creative activities, and university service remain the same.
- F. Even though the teaching performance of a faculty member may be judged insufficient by the departmental peer review committee, the Department Head or the College Dean, the application must be allowed to proceed through the system if the faculty member so desires.
- G. All terminal degrees must be received from an institution accredited at the time of the awarding of the degree.

## **Procedures for Promotion**

The steps are as follows:

1. Each academic year, early in the Fall semester, the Office of the Vice President for Academic Affairs will establish a calendar, with appropriate deadlines, for the operation of the Promotion process.
2. Individual faculty members 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 faculty member to assemble all of the materials necessary for consideration under these CRITERIA. This includes, but may not be limited to, the contents of individual Portfolios as described above, and copies of the annual Summative Evaluations performed by the Department Head.
3. The Application for Promotion is delivered to the Department Head. From that point forward, the Department Head, Dean, Promotion Committee, Vice President for Academic Affairs and President will be responsible for timely forwarding to the next level of review and consideration.
4. The Department Head, Dean, Promotion Committee, Vice President for Academic Affairs, and the President will review all applications for promotion 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, that application must be allowed to proceed to the next level, if that is the desire of the individual faculty member.
6. The President of the University will forward his/her recommendation for promotion to the Board of Trustees of the University.

## **University Promotion and Tenure Committee**

- \*A. The University Promotion and Tenure Committee (UPTC) shall consist of six members. At least one member of the UPTC must come from each of five colleges (i.e., Arts and Humanities, Business, Education, Engineering and Applied Sciences, and Natural and Health Sciences). The sixth member will be selected on an at-large basis from the eligible faculty from the five colleges and the library.
- B. Members of the UPTC must be tenured full-time faculty that hold the rank of Associate Professor or Professor. Members will be serving on departmental peer review committees at the time of their appointment, but other qualified faculty may be appointed, with the approval of the President. Faculty serving as Department Heads or Deans are not eligible for appointment. Persons applying for promotion may not serve on the UPTC.
- C. Three members of the UPTC shall be appointed by the chair of the Faculty Senate with its advice and consent, and three members shall be appointed by the Vice President for Academic Affairs. Appointments shall be for three years. On initial appointment, the term of each member shall be designated as one, two, or three years. The Chair of the Faculty Senate and the Vice President 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.

\*Updated 8/1/12



- D. The UPTC shall recommend approval or disapproval of all applications submitted except those of full-time University administrators and those whose appointments carry a contractual obligation for tenured faculty status (Any and all such recommendations will include the appropriate interaction with the department for which tenure will be bestowed). The Committee shall meet with the Vice President to discuss its recommendations with justifications.
- E. The Committee will submit a written statement to each applicant indicating the disposition of the application.
- F. If at any step in the promotion procedure the applicant does not receive a favorable recommendation, he/she may submit an appeal statement rebutting reported deficiencies to the individual responsible for making a recommendation at the next level. 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.

### **Appeals**

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

1. The faculty member's appeal is a claim that a promotion and tenure policies process was not followed at a specified level of review.
2. The faculty member's appeal is a claim that evidence which had been presented in a timely manner was not considered at a specified level of review.

If the Faculty Welfare Committee finds an error has been made, the application will be returned to the process at the point where the error occurred. In no instance should the Faculty Welfare Committee substitute its judgment for the judgments made by the parties in the process.

### **Granting Promotion**

The final decision on faculty promotion and tenure shall rest with the President of the University and upon his/her recommendation to the Board of Trustees. Recommendations of the University Promotion and Tenure Committee shall be given deliberate and careful consideration on the question of tenure and promotion, but shall not be binding upon the President or the Board of Trustees.

### **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 the University over an extended period of years.

1. Eligibility is limited to those who have retired, and who have at least 15 years of consecutive service to the University.
2. Recommendations for emeritus status must be in writing, and may be made by any current member of the University community who holds faculty rank.

3. Recommendations and all supporting documents will be reviewed by the University Promotion and Tenure Committee, the Vice President for Academic Affairs, and the President in that order.

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 to the Office of the Vice President for Academic Affairs by October 15 of the academic year in which the emeritus status is being sought. The review process will culminate with the candidate being considered by the University Promotion and Tenure Committee, Vice President for Academic Affairs, President, and Board of Trustees in the Spring semester of that academic year.

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

### **Tenure Review**

The process of review for those faculty members seeking tenure will be the same as that outlined for promotion. That is, review and recommendation will be conducted by the Department Head, Dean, Promotion and Tenure Committee, Vice President for Academic Affairs, and President.

This will be conducted according to the calendar established each year by the Office of the Vice President for Academic Affairs, as described above.

This process will be conducted in accordance with the policies outlined in Item B in the “Regulations on Academic Freedom and Tenure” on page 12. Thus, it will be necessary for faculty members in their last year of probation to apply for tenure.

Nothing in these policies shall alter the ability of officers of administration to issue terminal contracts to probationary faculty, as is presently the case under the provisions of the “Regulations on Academic Freedom and Tenure.”

Only the University Board of Trustees, upon the recommendation of the President of the University, has the authority to grant tenure.

### **Effective Date**

This policy was approved by the Arkansas Tech University Board of Trustees on June 15, 1995. Subsequent revisions were made on November 30, 1995, June 20, 1996, June 18, 1998, June 17, 1999, March 14, 2003 and May 21, 2009. This policy shall supersede any existing policies that may be in conflict with its provisions.

TENURE AND PROMOTION PROCEDURES  
(SECTION II)

**Tenure Procedures**

- A. Recommendations for tenure are based on overall professional attainment and expectation of further professional growth at Arkansas Tech University. For teaching faculty, service in three broad areas is considered: teaching, scholarly/creative activity, and university service. The procedures outlined below are designed with a view toward providing balance between consistency in the evaluation of all candidates and sufficient allowance for the varied interests, talents, and accomplishments of candidates from diverse academic disciplines.

Tenure may be granted by the Board of Trustees after all of the following steps have been completed:

1. Review and recommendation by the Department Head of the candidate's respective department.
2. Review and recommendation by the Dean of the candidate's respective college.
3. Review and recommendation of the Promotion and Tenure Committee.
4. Review and recommendation by the Vice President for Academic Affairs.
5. Recommendation by the President.
6. Action by Board of Trustees.

Unless otherwise specified in the letter of appointment, tenure consideration is due during the sixth year of full-time experience at the level of assistant professor and during the designated or specified year at the level of appointment of associate professor.

- B. Those faculty members who are eligible and who wish to be considered for tenure are responsible for presenting evidence of the qualifications (i.e. portfolio) in the sequence specified in item one. The Department Head should receive materials by (announced annually). The Department Head shall forward his/her recommendations to the Dean before or on (announced annually). The recommendations of both the Department Head and Dean shall be forwarded to the Promotion and Tenure Committee before or on (announced annually). The Promotion and Tenure Committee with the recommendations of the Department Head and Dean are to present their recommendations to the Vice President of Academic Affairs no later than (announced annually). The Vice President of Academic Affairs will forward a recommendation to the President by (announced annually). The President will notify the candidate of the recommendation no later than (announced annually).

If tenure is granted, the recipient will continue his or her appointment on a yearly basis. If tenure is not granted during the final year of probation, the faculty member will receive a terminal appointment for the following academic year.

**Promotion Procedures**

- A. Recommendations for promotion are based on overall professional attainment and expectation of further professional growth at Arkansas Tech University. For teaching faculty, service in three broad areas is considered: teaching, scholarly/creative activity, and university service.

The procedures outlined below are designed with a view toward providing balance between consistency in the evaluation of all candidates and sufficient allowance for the varied interests, talents, and accomplishments of candidates from diverse academic disciplines.

Those faculty members who are eligible and who wish to be considered are responsible for presenting evidence of their qualifications for submission. The submission procedure is reflected below.

1. Review and recommendation by the Department Head of the candidate's respective department.
  2. Review and recommendation by the Dean of the candidate's respective college.
  3. Review and recommendation of the Promotion and Tenure Committee.
  4. Review and recommendation by the Vice President for Academic Affairs.
  5. Recommendation of the President.
  6. Action by Board of Trustees.
- B. Candidates must first meet the minimum criteria for promotion set forth in the "Faculty Evaluation, Promotion, and Tenure Policies and Procedures" section (see page 64).

### **Portfolio Preparation**

- A. The following suggestions for preparation of a portfolio and applications relating to tenure and/or promotion were compiled from meetings with past members of the University Promotion and Tenure Committee and College Deans. They are intended as general guidelines in the preparation of the portfolio for annual evaluations and peer review, and when appropriate, for applications for tenure and/or promotion.
1. Portfolio should consist of one main binder containing the following materials:  
(Additional or supporting documentation may be provided in clearly labeled appendices either in the main binder or in additional binders.)
    - a. A table of contents with the appropriate tabs or numbered pages
    - b. Three major sections: Teaching, Scholarship, Service
    - c. An introductory summary for each section: Make argument for teaching excellence; why scholarship is relevant or important in field; and show how service activities benefit the university.
  2. Present materials in reverse chronological order in each section.
  3. Provide appropriate references and document claims.
  4. Include examples of course material – not **all** course material.
- B. Suggested Table of Contents for Portfolio
1. Teaching

- a. Introductory summary
  - b. Student evaluation summaries
  - c. Awards and recognition
  - d. Examples of course materials
  - e. – z. Other relevant material (see *Faculty Handbook*, pages 64 - 75)
2. Scholarship
    - a. Publications
    - b. Presentations
    - c. Creative activities
    - d. – z. Other examples of scholarship (see *Faculty Handbook*, pages 64 - 75)
  3. Service
    - a. University committees
    - b. Service to profession
    - c. – z. Other relevant service activities (see *Faculty Handbook*, pages 64 - 75)
  4. Appendices (as needed; clearly labeled as Teaching, Scholarship, Service; may be included in main binder or additional binders)
- C. Suggested Organization of Application for Tenure and/or Promotion Utilizing Portfolio
1. Letter of application for tenure and/or promotion describing how eligibility requirements have been met
  2. Recommendation of department head if applicable
  3. Recommendation of dean if applicable
  4. Current resume
  5. Other letters of support
  6. Copy of annual reviews by department head
  7. Portfolio and its table of contents

Note: Please include items 1 - 6 in the front of the main portfolio binder.

(SECTION III)

A. Classes of Academic Staff Positions

Academic staff positions are those in which the principal services performed are teaching and/or research.

1. **Regular.** There shall be four classes of regular academic staff positions: Professor, Associate Professor, Assistant Professor, and Instructor.
2. **Non-regular.** All other academic staff positions shall be considered non-regular.
  - (a) The positions of Visiting Professor, Lecturer, and others of like nature shall be considered special and temporary, and are non-regular.
  - (b) The positions of Assistant Instructors, Student Assistants, and others of like nature shall be considered temporary, and are non-regular.
  - (c) Summer session positions shall be considered non-regular, whatever the title thereof may be.
  - (d) Part-time positions ordinarily shall be considered non-regular, whatever the title thereof may be.
  - (e) The positions of federal or state employees or appointees attached or assigned to the University, and others of like nature, shall be considered non-regular, whatever the title thereof may be.
  - (f) The positions of coaches of intercollegiate athletics, whether full or part-time, shall be considered non-regular, whatever the title thereof may be.
  - (g) Appointments made in connection with special departments, programs, or institutes of an experimental or temporary character may be terminated when the project is discontinued. All such positions shall be considered non-regular, whatever the title thereof may be.
  - (h) The preceding paragraphs concerning certain types of non-regular positions are illustrative only, and do not purport to constitute a complete listing of non-regular positions.
3. **Administrative Positions.** The administrative functions, titles, and status of the president, vice presidents, deans, registrar, plant engineer, librarian, steward, 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 and teaching regularly a minimum of one-quarter time shall be eligible to have that period of teaching considered for purposes of tenure if and when they are assigned to full-time teaching. The determination of the equivalence of this part-time teaching to years toward tenure will be based on an evaluation made of this teaching and associated activities by the department and/or college in which the administrator holds academic rank and by the administrator's immediate supervisor.

## B. Individual Personnel Records

A complete file on each faculty member is maintained in the Academic Affairs Office. Each new faculty member completes the "Faculty Record" and submits it to the Academic Affairs Office during the first week of the fall semester. Periodically, the "Faculty Record" is checked and brought up-to-date. Each faculty member will provide the Academic Affairs Office with up-to-date copies of all college transcripts for inclusion in the individual's personnel file.

## C. Third Year Review

All tenure track faculty will be subject to a third year review. This review will take place during their third year of a full-time tenure-track appointment. The review will include a preliminary assessment, based on reviews of the previous two years, concerning the suitability of the candidate for eventual tenure consideration at Arkansas Tech University. The third year review will be used for reference in tenure consideration.

## D. Procedures and Guidelines for Peer Review

### The Concept of Peer Review

1. Purpose. The primary purpose of peer review is to assist faculty members in improving their teaching 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 effectiveness. Such faculty members appear to be qualified to assess the instructor's knowledge, selection of course objectives, and appropriateness of assignments and examinations. Senior colleagues can provide valuable, reliable, and valid assessments of course materials such as examinations, syllabi, and instructional media. [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 effectiveness, peer review does not include supervisory or managerial responsibilities over individuals being reviewed. Faculty members who serve on peer review committees should provide input only on the instructional components of the portfolios, to include comments on instructional methodologies and issues associated with pedagogy.
4. Committee Functions
  - (a) Composition. Each department will elect a peer review committee. The peer review committees will be composed of tenured full-time faculty members that hold the rank of Associate Professor or Professor (suggested size 3-5 members). For small departments, faculty members may be added from related departments and exceptions to the rank and/or tenure condition may be made with approval of the Vice President for Academic Affairs.
  - (b) Functions. The peer review committee will conduct annual peer reviews of faculty members within their departments. The reviews will be conducted of all full-time

faculty members regardless of rank or tenure status. When a member of the peer review committee is being reviewed, that member will not participate in his or her own review process except as a person being reviewed.

- (c) Duties. The peer review committee will review the teaching portfolios of each faculty member and will provide to the departmental chair written comments regarding the teaching effectiveness of each faculty member and suggestions for improvement. The committees will not assign numerical values to teaching effectiveness nor rank faculty members. The committee will meet with each non-tenured faculty member. (Note: Tenured faculty may request a meeting with the peer review committee, and the peer review committee may request a meeting with a tenured faculty member.)
- (d) Comments. The peer review committee 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 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 effectiveness, and
  - 3. any suggestions to improve the faculty member's teaching effectiveness.
- (e) Classroom visitation. Classroom visitation is perhaps the most controversial aspect of peer review. Accordingly, classroom visitation will be made only at the request or invitation of the individual being reviewed.
- (f) Time lines. The peer review process should be completed prior to the first day of March each school year.
- (g) Attached is a sample peer review form.



[Sample]

PEER REVIEW of Dr. James B. Goodfile

February 14, 1997

The Peer Review Committee for the Department of Behavioral Sciences has reviewed the portfolio of Dr. James B. Goodfile for the school year 19XX-XY. 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, phase and 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

## E. 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 Vice President for Academic Affairs.

## LIBRARIAN PROMOTION POLICIES AND PROCEDURES

### **Librarian Ranks at Arkansas Tech University**

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 Vice President for Academic Affairs).
- 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, early in the Fall semester, the Office of the Vice President for Academic Affairs establishes a calendar, with appropriate deadlines, for the operation of the promotion

process for faculty. 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.
3. The application for promotion is delivered to the Director of Library. From that point forward the Director of Library, Librarian Promotion Committee, Vice President for Academic Affairs, and President will be responsible for timely forwarding to the next level of review and consideration.
4. The Director of Library, Librarian Promotion Committee, Vice President for Academic Affairs, 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 Vice President for Academic Affairs 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.

#### Recommendations

- The LPC shall recommend (to the Vice President for Academic Affairs) approval or disapproval of all applications submitted.
- The LPC may meet with the Vice President for Academic Affairs (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 President of the University and upon his/her recommendation to the Board of Trustees.

## 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 (currently ClassClimate). 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:

#### Deans

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 Vice President for Academic Affairs 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.

#### Department Heads and Associated Staff

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 Vice President for Academic Affairs by mid November. The Vice President for Academic Affairs evaluates academic deans by April 15.

\*Updated 8/1/12

## 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 Vice President for Academic Affairs.
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 Vice President for Academic Affairs, the President, and the Board of Trustees.

## 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.

### **Outside Employment**

The following policy concerning outside employment was approved by the Board of Trustees on February 21, 1980:

Certain outside employment situations may provide needed services to the community, as well as supplemental income to faculty members, without impeding the fulfillment of the faculty member's contractual agreement with the University. However, full-time faculty personnel are expected to discharge all professional responsibilities and time obligations related to their position at Arkansas Tech. Outside employment, whether self-employed, managerial, or employee status, should not interfere with the faculty position.

### **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 Vice President for Academic Affairs 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 with the Office of Human Resources
- b. Exit interview packet of termination materials completed and returned to the Office of Human Resources.
- c. Clearance from the Bookstore, Library, Information Services, Facilities Management, and Student Accounts offices.

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

Any keys or University property the employee may have must be returned prior to the delivery of the final paycheck.

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.

### **\*\*Criminal Background Check Policy**

Arkansas Tech University is committed to providing a safe environment by protecting the health, welfare and safety of all students, employees and visitors to our campus. As such, it shall be the policy of the University to conduct pre-employment criminal background checks for all applicants selected for new employment. This policy shall apply, without limitation, to all individuals selected during the hiring process for full and part-time faculty, classified and non-classified employees, staff, extra labor, and graduate assistants. An applicant who refuses to provide information necessary to conduct the criminal background check, or who provides false or misleading information, will not be considered for the position for which he or she has applied.

Criminal background checks are performed once a preferred candidate has been selected for employment. All offers of employment will be contingent upon successful completion of a criminal background investigation. Specifics on those subject to criminal background checks and the procedures for conduction such investigations are detailed in the Pre-Employment Screening Procedure available in the Office of Human Resources.

\*Added 8/1/11

\*\*Approved by Board of Trustees 12/19/13



In accordance with federal and/or state law, a previous conviction will not automatically disqualify an applicant from consideration for employment. Each applicant identified with a criminal conviction will be evaluated on a case-by-case basis by the Criminal Background Check Committee which is composed of a representative from Human Resources, Academic Affairs, Administration and Finance, and Student Affairs. University Counsel will be available for advisory purposes only. The following factors will be considered for those applicants with a criminal conviction history in determining whether to extend an offer of employment:

1. The nature or gravity of the offense(s); and
2. The time since the conviction and/or completion of sentence; and
3. The nature of the job held or sought.

Should Arkansas Tech University consider an adverse decision on the applicant based on the criminal background check information, the applicant must:

- Be notified of the potential adverse decision based on the criminal background information;
- Be provided a copy of the criminal background report; and
- Be given the opportunity to provide to the Criminal Background Check Committee additional written information to dispute within five business days the accuracy of the criminal background report.

A final employment decision shall not be made until the applicant's additional information has been considered or such time that the applicant fails to respond as required.

## FACULTY BENEFITS AND PRIVILEGES

Detailed descriptions of the following benefits are available from the Human Resources Office located in the Old Art Building.

### **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. 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.

### **Campus Health Services**

Minor health services are available to employees at no cost upon presentation of the I.D. Card. Employees requiring services of a physician will be referred to a full-service medical facility.

### **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.

TechFit may be utilized upon presentation of employee ID card. The employee's account will be charged \$25 per semester upon first visit.

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.

\*Updated 8/1/12

## **Faculty/Staff Aid for On-Campus Study**

The Board of Trustees, on May 13, 1978, approved a plan of aid for on-campus study to assist and encourage Arkansas Tech University faculty/staff and members of their immediate family to make greater use of the University's educational facilities. Provisions of the plan, as revised, are as follows:

- A. A faculty member on an annual contract will be permitted, with the approval of the Department Head and Vice President for Academic Affairs, to enroll at no cost in undergraduate or graduate courses.
- B. A classified staff member will be permitted, with the approval of the immediate supervisor and appropriate Vice President, to enroll at no cost in undergraduate or graduate courses that meet at times other than regular duty hours.
- C. Approval of class enrollment for classified staff members during working hours is made by immediate supervisor and appropriate Vice President for one class per semester. The employee's lunch hour and/or other time approved by the immediate supervisor shall be worked to compensate for the time spent in class.
- D. If a department deems it necessary for an employee to take a class to enhance skills for the particular job the employee is working in, annual leave or compensatory application will not be necessary. However, in all instances, written approval must be made by the appropriate Vice President and kept on file in the Human Resources Office.
- E. Members of the immediate family (spouse and/or children) of the above defined faculty/staff will be permitted to enroll in undergraduate courses with a discount equivalent to tuition for three semester credit hours or one-half of total tuition cost, whichever is greater. This benefit will be allowed for the fall semester, spring semester, and each summer term. In addition to their part of the tuition payment, students will be assessed the normal student fees. The maximum graduate course discount is equivalent to three semester credit hours per term. For summer terms, the benefit will be the greater of the three hours or one-half of total tuition cost during a five-week term, and the benefits may not be received for both a "mini" or short course and the appropriate summer term. Students will receive a maximum discount per term equivalent to one-half the total tuition charged for three undergraduate hours plus three graduate hours. To qualify, dependent children must be unmarried and must not have reached their twenty-third birthday. Grandchildren and step-children are eligible if fully supported by the employee and claimed as a tax exemption.
- F. When the amount available under the reduced-fee policy is added to any other scholarship provided with institutional funds, the total should not exceed the total tuition fees charged for the semester. It is not intended that a cash refund will be generated to the student due to Arkansas Tech University provided scholarships, and the reduced-fee discount, in total, exceeding the total charges for the semester.
- G. Appropriate forms for this benefit can be obtained from the Human Resources Office and are to be completed and approved during registration/classification.
- H. Arkansas Tech Employees who are actually employed in a satellite office location will be afforded the same tuition waiver benefit for themselves and their dependents for Arkansas Tech credit classes.

## **Faculty/Staff Tickets for Athletic Events**

Faculty/staff members, their immediate family, and one guest will be admitted to most athletic events on the presentation of the identification (ID) card.

## **Group Insurance**

Group insurance is available for all full-time employees. The plan includes hospitalization, accidental injury, and major medical insurance. Life insurance with accidental death provisions and long-term disability insurance is available on an elective basis.

The University participates in the cost of hospitalization, accidental injury, major medical, and life insurance. Contribution to the long-term disability insurance program is related to sick leave as outlined in this section.

## **\*Retirement Benefits**

State law requires that all full-time faculty participate in an approved retirement system. The systems available are the Arkansas Public Employees Retirement System (APERS), the Teachers' Insurance and Annuity Association (TIAA-CREF), and the Arkansas Teacher Retirement System (ATRS). To participate in the ATRS, faculty and department heads must be fully vested with the retirement system. Basic information on these plans will be furnished in faculty orientation sessions.

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 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.

\*Updated 8/1/12

\*\*Added 8/1/12

As is the case with all other benefits, this is subject to continuing approval by the Board of Trustees. Arkansas Tech University 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.

### **Worker's 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 Worker's Compensation insurance.

\*Approved by Board of Trustees 12/19/13

## 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 Vice President for Academic Affairs support sabbatical leaves, research grants, advanced graduate study, and special growth/development opportunities. The Faculty Salary, Benefits, and Awards 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 \$2000 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 Academic Affairs Office for subsequent transmittal to the Faculty Salary, Benefits, and Awards Committee. The committee reviews all applications and submits to the Vice President for Academic Affairs 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 <http://www.atu.edu/research/grantsmanship.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 Vice President for Academic Affairs. 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 Vice President for Academic Affairs 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.

### **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.

### **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.

## **\*Student Interdisciplinary Research Grants**

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.”

## **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.
6. 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 Vice President for Academic Affairs.

\*Added 8/1/13



## 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 Sabbatical 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 Sabbatical Committee will consider proposals submitted by September 15. Proposals may be considered up to one year in advance.
- d. The Sabbatical Committee will meet within seven days after the deadline, consider all proposals and recommend the most meritorious proposal(s) to the Academic Vice President and to the President of the University for approval.

\*Revised Board of Trustees 12/15/11

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 Vice President for Academic Affairs.
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 Vice President for Academic Affairs, 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.

#### **Summer Faculty Fellowships**

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 Vice President for Academic Affairs. 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 Vice President for Academic Affairs will submit applications to the Faculty Salary, Benefits, and Awards 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 or 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 of \$2,000 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 Vice President for Academic Affairs 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.

## PRIVATE GIFTS FOR ARKANSAS TECH UNIVERSITY

Securing private gifts for Arkansas Tech University is a team effort. Faculty, staff, and administrative personnel are considered to be the principal members of the fund-raising team at Arkansas Tech University. The contacts and communication each employee at Tech has 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 Development Office, Administration Building, Room 209.

### **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, the Green and Gold Fund, 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.

Private gifts may be from individuals, corporations, and other foundations. Gifts received may be in the form of any of the following:

1. Cash
2. Stocks or other securities
3. Real estate
4. Tangible personal property such as art, books, equipment, etc.
5. Trusts
6. Interest income from trusts
7. Cash value of life insurance when all incidents of ownership have been given to the Arkansas Tech University Foundation
8. Transfer of ownership in a residence, farm, or business
9. Funds from private foundations, corporations, and businesses and
10. Corporate matching gifts

### **Management**

The Foundation is governed by a volunteer Board of Directors. Designation of membership is done through a selection process. The volunteer members of the Foundation Board provide prudent and sound investment management. They also work closely with the Office of Development to raise private 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 Office of Development in Administration 209, by phone at 968-0400, or by E-mail [givetotech@atu.edu](mailto: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 maintain its educational leadership and academic excellence into the next century.

### III

#### RELATION OF THE FACULTY MEMBER TO ACADEMIC GOVERNANCE

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; Curriculum Committee; Faculty Salary and Benefits Committee; Faculty Welfare Committee; General Education Committee; and Graduate Council 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.

\*Updated 8/1/12

## ELECTED STANDING COMMITTEES

\*\*\*In the event that sufficient tenured *or* regular faculty are not available to fill positions on committees as defined below, the appropriate Dean will proceed with elections to fill those committee vacancies with available faculty.

### **Faculty Senate (Committee on Committees)**

*\*\*Membership:* Membership of the Faculty Senate will be established according to Article II, Section I of the Constitution of the Faculty Senate of Arkansas Tech University. That membership will be augmented by two additional Senators, one appointed by the President of the University and one by the Vice President for Academic Affairs.

*Function:* Serve as a committee on committees and 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; serve as an advisory body to the faculty on matters involving academic policies and to the administration or the faculty, as appropriate, on any other matter of general concern to the University.

### **Admissions, Academic Standards, and Student Honors Committee**

*\*Membership:* One faculty member elected from each college including the supernumerary voting block, to serve staggered, two-year terms. Additional members are the Registrar, Director of Admissions, and two students selected by the Student Government Association.

*Function:* Recommend policy concerning the admission and retention of students, including standards for probation, suspension, and re-admission of students whose academic performance falls below the required level; recommend policy concerning advanced placement and award of academic honors; study and propose methods for improvement of instruction.

### **Athletics Committee**

*Membership:* Three faculty members elected at large, two faculty members and the Great American Conference representative appointed by the President, and two students selected by the Student Government Association.

*Function:* Promote and foster the athletics interests of Arkansas Tech University in a manner that is consistent with the educational standards of the institution, help provide additional oversight of the institution's intercollegiate athletics program, and serve as an advisory body for the faculty on matters concerning the intercollegiate athletics program.

\*Revised Board of Trustees 12/15/11  
\*\*Revised Board of Trustees 7/8/10  
\*\*\*Approved Board of Trustees 12/15/11

## **Curriculum Committee**

*\*Membership:* Two tenured faculty members elected from each college including the supernumerary voting block, to serve staggered, two-year terms. One at large untenured faculty member elected annually for a one year term. The registrar and two student members, selected by the Student Government Association, serve as ex officio members.

*Function:* Monitor the total undergraduate curriculum and all proposed course changes, and evaluate program change proposals and forward recommendations to Faculty Senate for consideration prior to transmittal to the Vice President for Academic Affairs.

## **Faculty Salary and Benefits Committee**

*\*Membership:* One tenured faculty member elected from each college including the supernumerary voting block, to serve staggered, two-year terms, and one untenured faculty member elected at large to serve a one year term. Faculty membership restricted to regular faculty. The Faculty Salary and Benefits Committee also serves as the Sabbatical Committee.

*\*Function:* Review and recommend on university-wide salary and benefits issues, faculty research grants, summer faculty fellowships, and sabbaticals and forward recommendations to the Vice President for Academic Affairs. Recommendations on university-wide salary and benefit issues will also be forwarded to the Faculty Senate.

## **Faculty Welfare Committee**

*\*Membership:* One tenured faculty member elected from each college including the supernumerary voting block to serve two-year terms followed by a one-year term as an alternate. One tenured and two untenured faculty members elected at large to serve a one-year term. Alternates serve in case adjudication proceedings involve a conflict of interest or a challenge to a regular committee member. Only faculty members teaching at least six hours and are regular faculty are eligible. In the event that all members of the Faculty Welfare Committee from a given college are excluded from consideration of an issue, the chairperson of the Faculty Welfare Committee shall notify the Faculty Senate. Upon this notice, the Faculty Senate will supervise the election of an ad hoc member from that College in an election conducted by that College. This person will represent the College for only the specific issue.

*Function:* Provide a forum in which matters involving all concerns of faculty members can be considered. Primary function is to maintain and foster a high level of faculty morale by providing an agency for receipt and evaluation of suggestions and for recommendation of implementation of those deemed meritorious. In cases involving disagreements and considerations set forth above, including dismissal, this committee will appoint from its body an ad hoc grievance committee of at least three members to attempt informal reconciliation of differences and to report its conclusions and recommendations to the Faculty Welfare Committee. No member of the ad hoc grievance committee can sit in adjudication proceedings involving matters in which the grievance group has initial interest. The Faculty Welfare Committee will serve as an adjudication body in cases involving academic controversy, including, but not limited to, such matters as salary, rehiring, promotion, tenure, teaching assignments, professional ethics, performance, and alleged violations of academic freedom. Committee will urge resolution of differences between contending parties prior to implementation of grievance procedure; committee action can be requested by faculty or administration. Faculty Welfare Committee functions as an appellate agency under the relevant provisions of Arkansas Tech University's "Regulations on Academic Freedom and Tenure." Its conclusions and recommendations will be forwarded in writing to the President of Arkansas Tech University, following procedures described in the "Regulations on Academic Freedom and Tenure."

\*Revised Board of Trustees 12/15/11



## **General Education Committee**

*\*Membership:* One faculty member elected from each college including the supernumerary voting block, one from the Ozark Campus, one faculty member appointed by the Vice President for Academic Affairs, one faculty member appointed by the Chair of the Faculty Senate, one faculty member appointed by the Chair of the Assessment Committee, and one ex officio student member selected by the Student Government Association. Faculty membership restricted to regular faculty.

*Function:* Exercise oversight of general education: regularly assess the degree to which the University is meeting the stated general education goals, review general education goals and requirements, evaluate proposals that affect general education, and clearly and publicly articulate the purposes, content, and intended learning outcomes of general education.

## **Graduate Council**

*\*Membership:* Fifteen members--three elected from each of the Colleges of Education and Arts and Humanities; two elected from each of the Colleges of Natural and Health Sciences and Engineering and Applied Sciences; one elected from the College of Business; and one elected from the supernumerary voting block; one graduate student appointed by Dean of Graduate College; the Registrar, who serves as secretary; and the Dean of Graduate College, who serves as chairperson. Faculty membership is limited to full members of the graduate faculty; student membership is limited to graduate students who have been admitted to candidacy.

*Function:* Responsible for determining policy and establishing standards, criteria, regulations, and procedures for graduate study in accordance with policies of the Board of Trustees.

## **Library, Instructional Materials, and Equipment Committee**

*\*Membership:* One faculty member elected from each college including the supernumerary voting block, Director of Library, Dean of Graduate College or appointed representative, and two students selected by the Student Government Association.

*Function:* Recommend policy with regard to the library and instructional service and equipment.

## **Student Affairs Committee**

*\*Membership:* One faculty member elected from each college including the supernumerary voting block, two faculty members elected at large, and three students appointed by the Student Government Association.

*Function:* Study and recommend regarding the operation of the Student Services Office.

## **APPOINTED STANDING COMMITTEES**

### **Academic Appeals Committee**

*\*Membership:* Eighteen members – Six faculty members, one appointed by the respective dean(s) from each college including the supernumerary voting block, six faculty members appointed by the Faculty Senate representing each college including the supernumerary voting block, and six students appoint by the Student Government Association. The faculty on the committee will elect a chair.

*Function:* Formed each year as a pool of qualified faculty and students to hear student academic honesty and misconduct appeals.

\*Revised Board of Trustees 12/15/11

### **Assessment Committee**

*\*\*Membership:* The Director of Assessment and Institutional Effectiveness who will serve as chairperson, one faculty member from each college appointed by the college dean, the graduate college dean, one undergraduate dean appointed by the Vice President for Academic Affairs, the Vice President for Student Services or his/her designated representative, the Vice President for Administration and Finance or his/her designated representative, the Assistant Vice President for Academic Affairs or his/her designated representative for e-Tech, the Assistant Vice President of Enrollment Management or his/her designated representative, the Director of Institutional Research or his/her designated representative, the Director of Information Systems or his/her designated representative, the Chancellor of Arkansas Tech University-Ozark or his/her designated representative, one member appointed by the Faculty Senate, and one student member appointed by the Vice President for Student Services. Other members may be added by the Director of Assessment and Institutional Effectiveness as their expertise and/or assistance is needed to meet the charge of the committee, subject to the approval of the Vice President for Academic Affairs.

*Function:* To develop, implement, oversee, and maintain assessment procedures in line with criteria set forth by the state, The Higher Learning Commission, and various specialized accrediting agencies.

### **Budget Advisory Committee**

*Membership:* President of the University who serves as chairperson, vice presidents, deans, Executive Assistant to the President, Athletic Director, Director of Library, and Chairperson of Faculty Senate or his/her designated representative.

*Function:* Recommend policies relating to the development and administration of budget, the submission of appropriation requests, and the determination of fee structure.

### **Campus Planning Committee**

*Membership:* President of the University who serves as chairperson and his appointed representatives from Administration and Finance, Student Services, Student Government Association, Facilities Management, and Academic Colleges.

*Function:* Recommend policies and practices for comprehensive campus planning, parking, campus beautification, and landscaping.

### **Commencement Committee**

*Membership:* Representative of Student Services, registrar, head of music department, plant maintenance superintendent, two faculty members appointed by the President (one of whom serves as marshal of the University), president of the senior class or senior class senator, and manager of the coliseum.

*Function:* Plan and coordinate commencement activities.

### **\*Committee on Adjunct Support**

*Membership:* Four full-time faculty members appointed by the Faculty Senate and four adjunct instructors elected by the adjunct faculty (visiting lecturers).

*Function:* To provide support to adjunct faculty and to enhance the standing of such on faculty on campus. Recommendations will be presented to the Faculty Senate.

\*Approved Board of Trustees 12/15/11

\*\*Revised Board of Trustees 2/20/14

### **\*\*\*Equity and Diversity Committee**

*Membership:* Coordinator for Affirmative Action and Title IX (Chair), Deputy Title IX Coordinator (also serving athletics), Associate Dean For Student Wellness (or designee), Director of Health Services, Chief of Public Safety, Dean of Students (or designee), three students appointed by the Student Government Association, three faculty members appointed by the Vice President for Academic Affairs, and a Human Resources Representative.

*Function:* Monitor and maintain compliance with all applicable federal and state laws that will foster Arkansas Tech University's commitment to building and sustaining an all-inclusive campus community. The committee will serve the campus by leading efforts to create an environment that respects, celebrates, and cultivates diversity and inclusion. This will be accomplished by formulating recommendations, reviewing policy, and identifying steps to implement recommendations.

### **Guidance and Counseling Committee**

*Membership:* Five faculty members and two staff counselors appointed by the Vice President for Student Services; three students appointed by the Student Government Association.

*Function:* Study and make recommendations concerning the total counseling program of the University.

### **Honors Council**

*\*\*Membership:* A director appointed by the Vice President for Academic Affairs, the Associate Vice President for Academic Affairs, the Assistant Vice President for Enrollment Management, the Director of Recruitment, one faculty member representing each of the colleges including the supernumerary voting block, and two student representatives who are elected by the students in the University Honors program.

*Function:* Responsible for development and revision of procedures and policies pertaining to the Honors Program.

### **\*Institutional Review Board (IRB)**

*Membership:* Seven members serving three year terms on a rotating basis. One member appointed from the following colleges appointed by the Dean: Arts and Humanities, Business, Education, Engineering and Applied Sciences, and Natural and Health Sciences; one member from the supernumerary group appointed by the Dean of the Graduate College and the Dean of the College of Professional Studies and Community Outreach; and one member appointed by the Vice President for Academic Affairs. The chair will be elected annually by the committee.

*Function:* Review requests on research involving human or animal subjects. Conduct periodic reviews of human or animal subject policy and procedures.

### **Pre-Medical Committee**

*Membership:* Six faculty members selected from biological and physical sciences.

*Function:* Assist students who wish to enter health science professional colleges.

\*Approved Board of Trustees 8/18/11  
\*\*Revised Board of Trustees 12/15/11  
\*\*\*Approved Board of Trustees 9/18/14

## **Professional Development Committee**

*Membership:* Six faculty members, three appointed by the Vice President for Academic Affairs and three appointed by the Chair of the Faculty Senate, for three-year terms.

*Function:* To review and recommend Professional Development Grants for funding.

## **Publications Committee (Student Publications)**

*Membership:* Faculty/staff advisor to Arka Tech who will serve as chairperson, faculty/staff advisor to Agricola, Alumni Director, faculty member, the Purchasing Director, Vice President for Student Services, student editors of the newspaper and yearbook, and Student Government Association President or representative.

*Function:* Monitor the operation of the two institution-wide student publications and screen candidates for the student editorship.

## **Strategic Planning Committee**

*Membership:* President of the University who serves as chairperson and his/her appointed representatives from designated constituencies throughout the university community.

*Function:* Provides a blue print that encompasses all campus planning.

## **Student Aid Committee**

*Membership:* Director of Student Financial Aid and six faculty or staff representatives selected by the Vice President for Student Services, who also serves as an ex officio member.

*Function:* Select scholarship recipients according to established criteria and recommend student aid policy and procedures.

## **Student Personnel Committee**

*Membership:* Five faculty selected by the Vice President for Student Services and four students selected by the Student Government Association.

*Function:* Serve as the appellate body for student grievances and discipline.

## **Teacher Education Council**

*Membership:* Seventeen (17) members - Thirteen (13) appointed annually by the Vice President for Academic Affairs in consultation with the Dean of Education, who serves as chairperson, the head of the Department of Curriculum and Instruction, who serves as vice chairperson; and the Director of Teacher Education Student Services who serves as secretary. The thirteen (13) members appointed annually shall be comprised of seven (7) faculty representatives [three (3) from the College of Education and one (1) from each of the Colleges of Engineering and Applied Sciences, Natural and Health Sciences, Business, and Arts and Humanities]; a public school administrator; three (3) K-12 teachers; one (1) undergraduate student; and one (1) graduate student. The Dean of Graduate College serves as an ex-officio member.

*Function:* Serve as an advisory body to the Dean of Education; review and recommend changes in the teacher education programs; approve course additions and deletions; study and recommend changes related to policies and admission standards.

**\*Ad Hoc Technology Committee**

*Membership:* The Associate Vice President for Academic Affairs, who serves as chair, the Dean of Graduate College, the Director of Information Services, the Assistant Director of Information Services for Networked Systems, the Director of the Technology Center, the Director of the Library, five faculty members appointed by the Vice President for Academic Affairs and submitted to the faculty senate for approval, and one faculty member from the Ozark campus appointed by the Chancellor.

*Function:* (1) To advise the Associate Vice President for Academic Affairs by recommending enhancements to the technology infrastructure for the improvement of teaching and learning, by reviewing proposed enhancements to the technology infrastructure for their impact on teaching and learning, and by assisting in the development and maintenance of a technology plan for the university that will provide continuing support for the teaching and learning mission. (2) To assist the Associate Vice President for Academic Affairs in proactively communicating the rationale for technological enhancements with the university community.

\*Amended 8/1/10

## \*ACADEMIC ADVISING

The Academic Advising Center (AAC) is responsible for the enrollment of all first-time entering freshmen. Effective fall 2013, all freshmen (excluding those in the online programs of the College of Professional Studies) will continue to be advised by the AAC's professional staff until approximately sixty (60) credit hours are completed. At the completion of 60 credit hours, students will be aided by the AAC in the transition to a faculty advisor from the department of his/her major.

Any student not wishing to declare a major enrolls as an "undeclared" major and is advised in the Academic Advising Center. (A major must be declared, however, during the semester in which the student earns 45 credit hours) After declaring a major, the student will continue to be advised in the AAC until completion of approximately 60 credit hours.

Upon completion of sixty earned hours, the head of the department of a student's major field of study will normally 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.

It is considered that 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, and class load; to assist with problems; and to interpret university regulations or requirements.

The Arkansas Course Transfer System (ACTS) is designed to assist in planning the academic progress of students. This system contains information about the transferability of courses within Arkansas public colleges and universities. The Arkansas Transfer System can be accessed at <http://acts.adhe.edu/>.

It is the responsibility of the University, through the Deans of the Colleges, Department Heads, and the Academic Advising Center, to provide academic advisors actively interested in the guidance of students and adequately informed in University requirements and advising procedures.

## ACADEMIC ADVISING CENTER

The Academic Advising Center is administered by a Director, who is directly responsible to the Assistant Vice President for Enrollment Management. 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 Center holds an interest in all students, focusing on incoming freshmen, transfer students, and undeclared majors. The Center will support and facilitate programs to enhance academic advising campus-wide.

\*Amended 8/1/14

## DISABILITY SERVICES FOR STUDENTS

Arkansas Tech is subject to and endorses both the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The Disabilities Coordinator serves as the coordinator for these federal programs. The Disabilities Coordinator is located in Doc Bryan and may be contacted by calling (479) 968-0302, (479) 964-3290 (TDD), (479) 968-0375 (FAX), or by e-mail at [emeans@atu.edu](mailto:emeans@atu.edu)

## STUDENT SCHEDULING

### **Registration**

Arkansas Tech utilizes an on-line student registration system. Registration in classes during August and January as well as for summer sessions is conducted on a rotating alphabetical schedule. 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.

## 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 Vice President for Academic Affairs (VPAA) 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 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 VPAA.
- 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 VPAA, 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 Vice President for Academic Affairs.

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

### **University Grades and Attendance**

It is the responsibility of the faculty member to maintain adequate records necessary for grading and for accurate record keeping regarding daily student attendance throughout the semester/term. Class rolls and 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.

### **\*Federal Attendance Accounting**

Attendance accounting is required to fulfill a federal requirement regarding financial aid disbursement and to determine whether a student must be dropped for non-attendance or non-payment. At the beginning of each course/semester faculty members are expected to notify the Registrar concerning students on class rolls who have not reported to class.

\*\*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 daily student attendance records throughout the semester/term.

\*Amended/Approved Board of Trustees 10/18/12

\*\*Amended 8/1/14

**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--dropping a student from a course with a grade of "FE" (i.e., F for excessive absences; formerly F\*) --the instructor is obligated to notify the student, in writing, that an additional absence would result in this penalty.
4. A student accumulating an excessive number of unjustifiable absences 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 becomes final when the instructor reports this action in writing to the Vice President for Academic Affairs. 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 120.

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 the Vice President for 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 course 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 each summer term. Faculty members are obligated to report grades on schedule as requested by the Vice President for Academic Affairs.

\*\*After grade submission due dates, grades are available on the student's OneTech account. Notification is sent to students in academic jeopardy.

\*Amended 5/19/10  
\*\*Amended 8/1/11  
\*\*\*Amended 8/1/13  
\*\*\*\*Added 8/1/14

## **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.

## **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. This atmosphere is created by both the professor and the class to enable all students enrolled to reach their academic potential. Students are expected to attend class, conduct themselves in a non-disruptive manner in class, and refrain from cheating, plagiarism, or other unfair and dishonest practices. Students should also realize that the classroom is under the control of the professor who will give students a statement of his or her classroom policies in a syllabus at the beginning of the semester.

Academic offenses involving dishonesty and misconduct are defined in the Definitions section. These definitions are not all inclusive, 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 the classroom.

1. Cheating on an examination, quiz, or homework assignment involves any of several categories of dishonest activity. Examples of this are: a) copying from the examination or quiz of another student, b) bringing into the classroom notes, messages, or crib sheets in any format which gives the student extra help on the exam or quiz, and which were not approved by the instructor 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 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 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. 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 the student's classroom behavior. This includes the manner of interacting with the professor and other students in the class. For example, students may disrupt the learning environment in a classroom through inappropriate behavior, such as, talking to students, unnecessary interruptions, attempting to monopolize the professor's attention, or being chronically late to class. Misconduct also covers verbal or nonverbal harassment and/or threats in relation to classes. Student behavior should not infringe on the rights of other students or faculty during a class.

## B. Academic Appeals Committee

### \*Composition of Committee

1. The Academic Appeals Committee is an official committee of Arkansas Tech University and will be formed each year as a pool of qualified faculty and students to hear student academic honesty and misconduct appeals. At the beginning of fall term, the dean of each college will appoint one faculty member from the college including the supernumerary voting block; the Faculty Senate will appoint one faculty member from each college including the supernumerary voting block; the Student Government Association will appoint six students. 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 subcommittee hearing a specific case.

\*Updated 8/1/12

3. When a student appeal of a decision concerning academic dishonesty or academic misconduct is filed with the Chair of the Academic Appeals Committee, the Chair shall select a three-person sub-committee from the pool of 18 composed in the following manner: one faculty member from the college in which the department involved in the appeal is located, one faculty member from the college in which the student is enrolled as a major, and one student.

### **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 and the evidence supporting the charge. Penalties for various levels of academic dishonesty vary from giving an 'F' on a particular 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 (or dean if the professor is a department head) 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 (or dean if the professor is a department head; in which case, skip steps 4 and 5). The student may remain in class during the appeal process.
4. If the student is still dissatisfied after meeting with the department head, he or she should make an appointment with the dean of the college who will seek resolution of the problem.
5. If a resolution is not found, the dean will refer the student to the Academic Appeals Committee.
6. The student should then submit a written appeal to the Chair of the Academic Appeals Committee.
7. If the Academic Appeals Sub-Committee determines that 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 Academic Appeals Committee and the dean of the college from which the appeal originated. 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 shall also notify the Vice President for Academic Affairs of the decision. The Vice President will review the case and forward the outcome to the Registrar after the three-day appeal period.
8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal with the Office of the Vice President for Academic Affairs within three working days of receiving notification of the sub-committee's decision of the Chair of the Sub-Committee. The decision of the Vice President for Academic Affairs will be final.
9. If the Academic Appeals Sub-Committee determines that academic dishonesty has not occurred or evidence is insufficient, the sub-committee will forward all pertinent information to the Vice President for Academic Affairs. The Vice President will confer with the dean, department head, and professor to facilitate the return of the student to class without penalty. The department head will notify the student of the decision.

#### **D. Procedure for Charges of Academic Misconduct**

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. Extreme incidents of academic misconduct, in which the student becomes verbally or physically abusive in class, will be dealt with immediately by asking the student to leave the class. If the student refuses to leave, Campus Security personnel will be called to remove the student, and the Dean of Students will also be informed of the behavior.
2. If the student ignores the professor's requests to discuss the behavior, it is 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 from the class where the warnings were given. Within 24 hours of the interim suspension a notification will be sent to the Chair of the Academic Appeals Committee by the department head.
4. The Academic Appeals Sub-Committee will be appointed, and a hearing conducted by the Academic Appeals Sub-Committee will be conducted within three working days after the date of the notification of interim suspension.
5. On the same date that the notification of suspension is sent to the Chair, the student will be advised by the department head that he or she has the right to submit a written statement to the Academic Appeals Sub-Committee addressing the alleged incident of academic misconduct. The student's written statement as well as the professor's written statement shall be delivered to the Chair of the Academic Appeals Committee at least 24 hours prior to the hearing.
6. The Academic Appeals Sub-Committee will consider the written statements of the professor and the student involved in the incident of academic misconduct. The department head will also provide a statement that the warning procedure has been followed and that the student has been suspended on an interim basis from attending the particular class pending the decision of the Academic Appeals Sub-Committee. The Sub-Committee has the right to pursue further information from the professor, department head and student.
7. If the Academic Appeals Sub-Committee determines that 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 Academic Appeals Committee and the dean of the college from which the appeal originated. 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 shall also notify the Vice President for Academic Affairs of the decision. The Vice President will review the case and forward the outcome to the Registrar after the three-day appeal period.
8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal with the Office of the Vice President for Academic Affairs within three working days of receiving notification of the sub-committee's decision from the Chair of the Sub-Committee. The decision of the Vice President for Academic Affairs will be final.
9. If the Academic Appeals Sub-Committee determines that academic misconduct has not occurred or evidence is insufficient, the Sub-Committee will forward all pertinent information to the Vice President for Academic Affairs. The Vice President will confer with the dean, department head,

and professor to determine the course of action to be followed and the status of the student in regards to the class in question. The department head 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 head of the department in which the course is taught. The department head 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 the college. The dean 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, the student will follow the Appeal of Academic Grade 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 further than the dean of the college, the student may file an appeal within three working days according to the outlined procedure for the Academic Appeals Committee.
3. Final appeals, whether informal or formal, will be passed by the dean of the college to the Vice President for Academic Affairs for final decision, if necessary.



## STUDENT ACADEMIC GRIEVANCE PROCEDURES

The following regulations apply to the appeal of academic grades and academic program dismissal (grades having been assigned by an instructor and program dismissal having been made by a departmental committee):

### A. Appeal of Academic Grades or Academic Program Dismissal

1. Appeal of a grade must be made by the student directly affected.
2. An appeal, in order to be heard, must be made during or immediately following the conclusion of the course involved (appeal of grade) or immediately following the dismissal decision (appeal of program dismissal). (*Immediately*, here, means before the beginning of another semester or summer term.)
3. 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. Upon receipt of a program dismissal decision from a departmental committee, the student wishing further consideration must make a written appeal of the decision to the head of the department in which the academic program is administered. Discussion based upon the written appeals and evidence of attempted resolution in this direct manner must precede any further step.
4. If either appeal is not resolved in Step 3, the student wishing further consideration must take the issue 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 (appeal of a grade); or the student may appeal to the Dean of the College in which the academic program is administered (appeal of program dismissal). If the appeal of a grade is not resolved at this level, the student may appeal to the Dean of the College (in which the course is taught).
5. If either appeal is not resolved in Step 4, the student may appeal to the Dean of the College and ask for a formal hearing. At the time a student asks for a formal hearing, he/she must submit a written formal presentation of the case, with all related supporting documents, to the Dean. The hearing committee can then either reject the grievance on the basis of its content or proceed to investigate further.
6. Each hearing committee will be an *ad hoc* committee sitting for an individual appeal. The committee will be composed of three faculty members from the college, 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 (appeal of a grade); or three faculty members from the college in which the academic program is administered (appeal of program dismissal). The committee members will be appointed by the Dean(s) of the College(s) involved. The committee will select its own chairperson.
7. The committee will have full cooperation of all parties in gathering information and conducting interviews and the hearing. Once an issue is before the committee, the committee shall have the authority to recommend a lower grade, a higher grade, or no change (appeal of a grade); or recommend that the student be retained in the program or confirm the original dismissal decision of the departmental committee (appeal of program dismissal).
8. The committee recommendation will be conveyed to the Dean of the College in which the course is offered. The Dean will seek resolution based on the recommendation (appeal of the grade). The committee recommendation will be conveyed to the Dean of the College in which the program is administered (appeal of program dismissal). In the case of academic program

dismissal, the Dean will forward the following to the Vice President for Academic Affairs for review and action: (a) the recommendation of the departmental review committee; (b) a narrative of attempts to resolve the appeal; and (c) the committee's recommendation. Appeal of academic program dismissal ends here upon final action by the Vice President for Academic Affairs.

9. Failing resolution in Step 8 in the case of appeal of a grade, the issue will be reviewed by the Vice President for Academic Affairs who will initiate action in accordance with provisions in Step 10.
  10. In the case of an instructor who has terminated his/her association with the University, the College Dean shall carry out the recommendations of the committee. Otherwise, a grade will be changed only if a majority of the department members in which the course was offered (not including the faculty member involved with the case) agree with the proposed grade change.
- B. Other grievances relating to an instructor will proceed through an appeal to the Department Head, Dean of the College, and Vice President for Academic Affairs. The Vice President for Academic Affairs will evaluate the grievance to determine if the charge and evidence warrants initiating proceedings against the instructor under 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)

\*Revised Board of Trustees 10/18/12

- 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.

#### OFFICE HOURS AND ACADEMIC ADVISING

Each faculty member is expected to schedule adequate and regular office hours (i.e. minimum of ten hours per week) for consultation with students and colleagues. The total and spacing of these office hours should be planned to permit adequate student contact. This schedule should be posted and adhered to. Faculty members who expect to be away from the campus during scheduled office hours should notify their Department Head and should post a notice showing the approximate time of return. Ordinarily, the Department Head should be apprised of where the faculty member could be reached.

#### 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 informal non-credit courses in a variety of subjects designed to meet the educational needs of adults which are not met by conventional education procedures. These courses generally meet in the evenings and vary in length relative to the subject being taught.

The constituency of non-credit courses represents a social, economic, educational, and ethnic cross-section of the population which the University serves. Adults who are not high school graduates attend classes along with those who hold advanced degrees, and the only requirement for enrolling in these informal courses is a genuine desire to work toward enlightenment and self-improvement. Because these classes are a community-service function of the University, tuition is minimal and is charged only to the degree necessary to make the program self-supporting.

### **\*eTech**

eTech is a campus-wide initiative to enhance and support the delivery of online courses. eTech facilitates faculty development by emphasizing pedagogical foundations and technology integration in the design and delivery of quality, engaging courses. eTech can be accessed at <http://etech.atu.edu>. An instructor resource page <http://www.atu.edu/etech/resources-teaching.php>, offers resources to assist with online teaching. For non-technical issues, contact your department head concerning policies.

eTech course developers work under the auspices of the university's approved Course Ownership Policy. A copy of the policy is included on pages 12-130 of the *Faculty Handbook*.

eTech uses Blackboard as the course management system for the delivery of online courses. Links are available on the eTech site (<http://etech.atu.edu>) to the most current version of Blackboard and additional support materials.

The *Faculty Handbook* requires that teaching be evaluated by a standard, university-wide student evaluation. The current student evaluation system is ClassClimate.

\*Amended 6/6/13

Online courses are subject to the same requirements as traditionally taught courses. An online course is evaluated when it reaches 80% completion. At that point, students are sent an invitation email to complete the evaluation. Follow up emails are sent until the evaluation is completed or the survey closes. Results are analyzed and distributed by the Office of Institutional Research using the same procedures as those evaluations used in face-to-face courses.

eTech works collaboratively with Information Systems. For technical support, please contact the Information Services' Help Desk at 479-968-0646 or 1-866-400-8022. Assistance with general technical issues is available via email at [cammpussupport@atu.edu](mailto:cammpussupport@atu.edu) or visit the Information Systems website at <http://cservices.atu.edu>.

#### 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 Services Office.

\*Added 11/6/12

## 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 Vice President for Academic Affairs for implementation. See Appendix A for curriculum approval process.

#### 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.

A course of study will be made with the advice and approval of an academic advisor in the student's major field of study. Any student not wishing to declare a major will receive academic advising from the Academic Advising Center. The Academic Advising Center will continue to meet that student's needs until the student declares a major. A major must be declared during the semester in which the student earns 45 credit hours.

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

\*Approved by Board of Trustees 12/19/13

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.

\*Added 8/1/11

The Faculty Salary, Benefits and Awards 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 Vice President for Academic Affairs 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 Vice President for Academic Affairs whose decision will be final.

#### \*CAMPUS SAFETY AND PREPAREDNESS

Arkansas Tech University places the highest priority on the health and safety of its on-campus population and visitors. In the event of a threatening situation Tech will communicate vital information as quickly and efficiently as possible for our students, faculty, staff and visitors using one or more of the following communication tools (some services provided through the city and county):

- Outdoor Warning Sirens
- NOAA Weather Radios
- Tech Emergency Messaging Systems
- Commercial Television & Radio
- Campus Television & Radio
- Building Alarms
- Phones and cell phones
- E-mail
- Website
- Audible Announcements

Arkansas Tech University has an extensive Emergency Preparedness System in place to ensure a rapid response to and recovery from any crisis situation. Some important components of this system are the Campus Emergency Procedures, the University Emergency Operations Plan, and the Campus Continuity of Operations Plan. These are designed to assist students, faculty, staff, and visitors in timely and effective response to minimize the adverse effects of any threat, as well as to return to normal operations as quickly as possible after an incident.

The Campus Emergency Procedures provide guidance to be followed in the event of threatening situations to which the campus is vulnerable. Students, faculty, and staff should review these procedures and have ready access to them if needed. These guidelines are provided in the Emergency Procedures Guide and a copy is also available at <http://www.atu.edu/emergency/>

\*Amended 8/1/13



The Emergency Operations Plan defines lines of authority and responsibilities, promotes working relationships, and imparts knowledge necessary to protect lives and property and to maintain the operational integrity of the university. A copy of the Emergency Operations Plan can be found at <http://www.atu.edu/psafe/docs/ATUEPlan.pdf>

The Continuity of Operations Plan lays out guidelines on how Tech will provide services during and after an incident when any given part of Tech's facilities is rendered inoperable. This plan will outline what the most important functions/services of the university are, and will lay out how to maintain those functions during a disaster and until recovery is completed.

## 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 Vice President for Academic Affairs for consideration.

Following approval by the dean and Vice President for Academic Affairs, adequate release time is made available to the faculty member(s)/author(s) to develop the instructional material. The Vice President for Academic Affairs 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 Vice President for Academic Affairs informs the Associate 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 Associate Vice President for Administration and Finance. The Bookstore Manager, at the direction of the Associate 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

Regular circulating books are loaned to faculty for indefinite periods during the college year. However, all loans to faculty expire at the end of the Spring semester each year. Books which are declared lost by the faculty are cleared at this time. The faculty are requested to return volumes promptly when they have finished using them. Faculty members will be charged no overdue fines.

However, families of faculty members are subject to all regulations which apply to students, including overdue fines.

Reference books, reserves, and periodicals may be loaned to the faculty on an individual need basis with the approval of a librarian. Ordinarily, the loan period is overnight or up to three days. 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.

Should a title charged to a faculty member be needed by someone else, a recall notice requesting its return will be sent. These requests should be honored promptly.

All Tech library materials that are found on campus, in classroom or elsewhere, should be returned to the library. Also, when terminating employment, homes and offices should be checked for library materials.

Faculty should know and understand the policies for the circulation on library materials. The library may enlist the aid of Deans and administration in recovering needed materials.

Any inquiry about library policy should be directed to the library director. Recommendations for policy changes should be submitted either to the director 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's 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/link/portal/16084/16101/ArticleFolder/60/Policies>.

#### 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.

\*Amended 6/18/14

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 Vice President for Academic Affairs, 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.

\*Amended 8/1/13

## 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 Payroll 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 in the Student Center 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.

\*Amended 8/1/11

## 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: <http://budget.atu.edu>. Click on forms and then Travel Manual. All travel questions should be directed to the Budget Office. Please note that all out of country travel must be pre-approved by the President of the University.

## 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 the chairperson. Other members of the committee are the Chancellor-Ozark campus, Executive Assistant to the President, vice presidents, deans of colleges, Chairperson of the Faculty Senate (or designated representative), Athletic Director and Director of Library. The Vice President for Administration and Finance serves as secretary of the committee. This committee is responsible for (1) coordinating the priorities and instructions with the educational program and the objectives of the institution, (2) ensuring that the budget is formulated within the limits of resources available, and (3) providing for contingencies.

Procedures include the (1) preparation of income expenditure estimates by the Vice President for Administration and Finance, (2) development of policies, priorities, and instructions by the Budget Advisory Committee, (3) development of budget through administrative channels under the direction of the Vice President for Administration and Finance, and (4) presentation of budget to the Board by the President.

## PURCHASING PROCEDURES

All purchases are made by the Purchasing Department. Prior planning must be exercised to submit requisitions in time to allow for obtaining quotations, making awards, and obtaining delivery. In case of an emergency, contact the Purchasing Department for instructions.

Office supplies may be drawn from the Bookstore upon approval of the Department Head.

## 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.

\*Amended Board of Trustees 5/15/14

**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 Colleges of the University upon obtaining a minimum of fifteen full-time faculty members. A College shall be eligible for one additional Senator for each twenty full-time faculty members or additional portion thereof. A College entitled to multiple Senators may elect no more than two from any one department. Any College or independent Academic Unit that has less than fifteen full-time faculty members will be combined into a Supernumerary voting block operating under the above delineated rules.

**Section 2: Appointive Membership** - The President of the University shall appoint one Senator; the Vice President for Academic Affairs shall appoint one Senator.

**Section 3: Restrictions upon Membership**

Paragraph A: No staff member shall be eligible for elective or appointive membership in the Senate who does not hold the faculty rank of Assistant Professor or above.

Paragraph B: No Dean of a College shall be eligible for membership in the Senate.

Paragraph C: In the event that no member of a College is eligible for elective membership to the Senate under the restrictions imposed by Paragraphs A and B, then the College may elect a faculty member with the rank of Instructor to serve an "emergency" term of one year.

**Section 4: Terms of Office**

Paragraph A: All elective and appointive members of the Senate, except those initial members who draw one- and two-year terms, shall serve for three years.

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.

\*Approved by Board of Trustees 7/8/10  
\*\*Approved by Board of Trustees 12/19/13

**Section 5: Vacancies in the Senate**

Any elective or appointive membership in the Senate shall be considered vacant when its incumbent ceases to be eligible for membership according to Article II, Section 4, 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 College election or Presidential or Academic Vice Presidential appointment, respective to the vacancy, 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, who shall preside at Senate meetings. He/she may vote upon motions under consideration by the Senate.

Paragraph B: The Senate shall have a vice chairperson who shall preside at any meeting of the Senate which the chairperson may be unable to attend. The vice chairperson may vote upon any matter under consideration by the Senate.

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 first fall meeting in 1991, the chairperson, chairperson elect, and secretary will be elected. At the first fall meeting in subsequent years only a chairperson elect and a secretary will be elected, the chairperson position being automatically filled by the chairperson elect. The chairperson elect will additionally serve as vice chairperson.

**ARTICLE IV: MEETINGS**

**Section 1: Called Meetings** - The Vice President for Academic Affairs 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 and appointive 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 elective and appointive members 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.

\*Approved by Board of Trustees 7/8/10

**BY-LAWS OF THE FACULTY SENATE OF  
ARKANSAS TECH UNIVERSITY**

**ARTICLE I: ELECTION AND APPOINTMENT OF MEMBERS**

**Section 1: Time of Elections and Appointments**

During the spring term of each year elections shall be held and appointments shall be made 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 or appointive 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 Graduate College, who is directly responsible to the Vice President for Academic Affairs. 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 Vice President for Academic Affairs, 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.

The student admitted to graduate study at Arkansas Tech University should not expect to acquire these skills and to achieve this expertise through classroom and laboratory instruction alone; rather, the student 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 master's degree 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.
- 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 methodology 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 individual teachers for strengthening existing curricular offerings, implementing innovative programs, and research activities; and (4) providing educational experiences that improve professional competencies of in-service teachers.

#### **IV. Dean of Graduate College - Job Description**

The Dean of Graduate College:

- A. Shall be appointed by the President of the University upon recommendation by the Vice President for Academic Affairs.
- B. Shall be directly responsible to the Vice President for Academic Affairs.
- C. Shall have university-wide responsibilities to foster and facilitate interdisciplinary and intercollege graduate programs and shall serve as permanent chairperson of the Graduate Council.
- D. Shall perform a major role in both academic and budgetary planning and in institutional organization as these functions relate to the graduate program.
- E. Shall be a member of, or be represented on, councils or committees whose actions have an impact on graduate education.
- F. Shall play a significant role in the important academic personnel decisions which are made within the institution as they relate to graduate education.
- G. Shall have joint responsibility with the Graduate Council for granting graduate faculty status.
- H. Shall be responsible for:
  - 1. admitting applicants to graduate student status;
  - 2. reviewing academic progress;
  - 3. awarding fellowships and assistantships for graduate students;

4. supervising research for masters' degrees;
  5. certifying the completion of degree requirements and recommending granting of graduate degrees;
  6. overseeing the adequacy of student services and promoting the welfare of graduate students.
- I. Shall be accessible to graduate students for discussion and resolution of problems.
  - J. Shall, along with the Graduate Council, review periodically all of the institution's graduate programs for quality, effectiveness, and consonance with institutional goals and resources.
  - K. Shall evaluate proposed new graduate programs in terms of faculty strength, manpower needs for program graduates, adequacy of institutional resources, and compatibility with existing graduate programs and with the academic plan of the institution.
  - L. Shall, along with the Graduate Council, participate in decisions regarding program initiation, consolidation, or termination.
  - M. Shall be associated actively with the University's organized research effort, and therefore, shall be a member of the University's committees whose actions are significant to the research mission of the institution.
  - N. Shall interact closely with other university officials and with legal counsel in complying with laws and regulations affecting graduate education, in developing institutional responses to proposed legislation and regulations which affect graduate education and research, and in reviewing statements in the graduate college catalogs and bulletins about purposes, goals, content, and requirements of graduate programs.
  - O. Shall be the institutional representative to national and regional bodies which deal with graduate education.
  - P. Shall submit a yearly report to the Vice President for Academic Affairs on the status of the graduate program.
  - Q. Shall promote the graduate program and maintain good relations with service area education professionals; i.e., superintendents, principals, and teachers.

The job description of the Dean of Graduate College has been developed in accordance with guidelines contained in the booklet, The Organization and Administration of Graduate Schools in the U.S., which is published by the Council of Graduate Schools in the United States.

## V. 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 review all proposals for graduate degree programs and courses and, at its option, existing programs; to establish and review the criteria for membership on the graduate faculty; to establish the minimum admission standards and the standards for continuation of graduate students; to act upon petitions and appeals from the decision of the Dean of Graduate College; to consider any other matters relevant to the graduate program; and to authorize, recommend, or instruct the Dean of Graduate College to take appropriate actions to effect 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.

### D. Membership Composition:

The Graduate Council shall be composed as follows:

1. Each college will have one representative. Any college offering a graduate degree will have an additional representative. A college offering five or more graduate programs will have an additional representative. No college will have more than three representatives.
2. One graduate student appointed by the Dean of Graduate College;
3. The Registrar, who shall serve as secretary of the Graduate Council;
4. The Dean of Graduate College, who shall serve as chairperson of the Graduate Council.

### E. Elections:

Faculty: Only regular graduate faculty members are eligible to vote in its elections for the Graduate Council.

Each college shall, at the time all University standing committee members are elected each year, elect the number of faculty members to fill vacant seats or expired terms allotted to that college. No department in any college shall contribute more than one member to the Council.



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 Registrar, who shall serve as secretary of the Graduate Council, is unlimited.
8. The term of the Dean of Graduate College, 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 Vice President for Academic Affairs 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 Graduate College 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 Graduate College 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 Registrar shall serve as secretary of the Graduate Council and as a 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 Vice President for Academic Affairs, and shall transmit to the Vice President for Academic Affairs 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.

## **VI. The Graduate Faculty**

The Graduate Faculty is composed of two categories:

**Regular Graduate Faculty:** Tenured and non-tenured regular faculty, who are members of departments that offer the masters degree, or, who are members of departments that offer support courses for a masters degree program, and, who meet the standards for appointment to regular faculty status, are eligible for appointment to Regular Graduate Faculty Membership.

**Non-regular Graduate Faculty:** Part-time, adjunct, or non-regular faculty, as well as regular faculty and practicing professionals not eligible for the status above, may be appointed to the Non-Regular Graduate Faculty.

A. Regular Graduate Faculty Membership:

1. Membership Requirements

- a. Regular faculty status on the Arkansas Tech University faculty
  - b. The doctorate or other 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. Evidence of productive scholarship and/or relevant and recognized professional activities as normally defined within the discipline concerned.
  - 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. Recommendation by the Department Head to the Graduate Council via the Dean of the appropriate College and Dean of Graduate College. The appointment 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 professional development activities that will strengthen their applications.
2. Responsibilities
- 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. Review and Renewal

Regular Graduate Faculty members must apply for renewal or 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:

- a. Continued evidence of productive scholarship and/or relevant and recognized professional activities as normally defined with the discipline concerned.
- b. Continued regular involvement in the graduate program to which the faculty member is assigned (i.e. teaching classes, serving on committees).
- c. Recommendation by the appropriate Department Head to the Graduate Council via the Dean of the appropriate College and the Dean of Graduate College.

The review process is also an opportunity to encourage professional development. 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 any professional development activities that will strengthen their renewal application.

B. Non-Regular Graduate Faculty:

1. Membership Requirements

- a. The doctorate or other 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
- b. Recommendation by the appropriate Department Head to the Graduate to the Council via the Dean of the appropriate College and Dean of Graduate College.

2. Responsibilities

- a. Teach assigned courses
- b. Serve on specific examination, thesis, project, or portfolio committees

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, 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, project, or portfolio committee will expire upon the student's completion of the examination.

C. Procedures for Nomination to the Graduate Faculty:

Faculty members are nominated for inclusion on the graduate faculty by department heads according to established criteria of the Graduate Council. The nomination should be made on the form provided for this purpose, "Nomination for Membership on the Graduate Faculty and Request for Approval to Teach Classes for Graduate Credit." Nominations are received by the Dean of Graduate College and kept on file. The Dean of Graduate College makes periodic reporting to the Graduate Council of current membership in each category. In cases when expediency is required, the Dean of Graduate College 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.

D. Appeals:

\*In cases in which any party involved in deliberation related to graduate faculty status feels that an improper decision has been made, he/she may appeal that decision to the Graduate Dean.

\*Amended 8/1/10

## **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 Vice President for Academic Affairs (VPAA).
- B. The proposal is reviewed by the VPAA and Registrar and concerns are noted (if any). If the proposal is considered to be acceptable, the VPAA 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 VPAA. 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 VPAA. 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 VPAA 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.

\*Revised Board of Trustees 6/19/14

Academic offenses involving dishonesty and misconduct are defined in the Definitions section below. These definitions are not all inclusive, 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 Graduate Dean 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 Graduate Dean 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 Graduate Dean 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 Graduate Dean who will seek resolution of the problem.



5. If a resolution is not found, the Graduate Dean 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 Graduate Dean. 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 Vice President for Academic Affairs 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 Vice President for Academic Affairs within five (5) working/business days of receiving notification of the Sub-Committee's decision. The decision of the Vice President for Academic Affairs 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 Vice President for Academic Affairs. The Vice President will confer with the Graduate Dean, 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 Graduate Dean. 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 Vice President for Academic Affairs 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 Vice President for Academic Affairs within three (3) working/business days of receiving notification of the Sub-Committee's decision. The decision of the Vice President for Academic Affairs 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 Vice President for Academic Affairs. The Vice President will confer with the Graduate Dean, 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 Graduate Dean, 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 Graduate Dean to the Vice President for Academic Affairs for final decision, if necessary.