

SOUTHEAST ARKANSAS COLLEGE

FACULTY and STAFF HANDBOOK

2019 - 2020

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1. General Employment Considerations

Unless indicated otherwise, all employees are subject to the policies of this Handbook. Adjunct faculty and extra-help employees must adhere to the professional conduct of this Handbook, though they may not be subject to the specific benefits and specific requirements of full-time employees. This handbook does not constitute a contract for employment with Southeast Arkansas College, either expressed or implied, and Southeast Arkansas College reserves the right at any time to change, delete, or add to any of the provisions at its sole discretion without notice. If at any time you have questions regarding your employment, please contact your supervisor or your Human Resources Department.

This employee handbook supersedes all previous employee handbooks and management memos, which may have been issued on subjects covered herein. In the event of a change in any law, regulation, or College Policy cited in this handbook, the current law or policy will be automatically substituted and applied. The College Faculty and Staff Handbook applies to both Classified and Non-classified employees.

- 1.1. **Employment at Will** – Employment at Southeast Arkansas College is at-will. Either you or Southeast Arkansas College may terminate the employment relationship at any time, for any lawful reason, with or without cause and with or without notice. The at-will relationship remains in full force and effect notwithstanding any statements to the contrary made by college employees or set forth in any documents.

No representative of SEARK has the authority to modify this policy for any employee, or to enter into any oral agreement, that changes the at-will employment relationship. This policy may not be modified by statements contained in the SEARK Policies and Procedures, this Handbook or any other employee handbooks, employment applications, recruiting materials, or other materials provided to applicants and employees in connection with their employment. None of these documents, whether singly or in combination, create an express or implied contract of employment for a definite period or concerning any terms or conditions of employment.

- 1.1.1 Disciplinary action may be taken in the form of verbal, written verbal, written warning, performance improvement plan, suspension, and dismissal. Depending on the degree of the offense the first action may be dismissal. Movement through each action in order is not required because the severity of the offense will determine what action is appropriate.
- **Verbal Warnings** are spoken corrections between a supervisor and an employee.
 - **Written Verbal Warnings** are used when a supervisor and employee have a documented discussion about a particular infraction. This document is signed by both the employee and supervisor then kept in the supervisor's office.
 - **Written Warnings** are documented and signed by both the supervisor and employee. If there was a written verbal warning prior to the written warning, both of these are to be delivered to the Human Resources office and placed in the employee's personnel file.

- **Performance Improvement Plan (PIP)** is a written document that outlines the offense(s) or infraction(s) along with the corrective action(s) that the supervisor will expect the employee to demonstrate. PIP's should include a reasonable time frame in which the employee has time to improve upon the stated offense or infraction. The PIP should be signed by both the employee and the supervisor then delivered to the Human Resource office to be placed in the employee's personnel file.
- **Suspension** is when an employee is sent home for a specified time frame by the Supervisor due to an offense or infraction of SEARK policy and procedures. Suspensions will be processed as leave without pay. An employee shall not be able to use any accrued leave in place of leave without pay during the suspension. This shall be documented and placed in the employee's personnel file.
- **Dismissal** is the termination of an employee due to an offense or infraction. This can be the immediate remedy should the issue or infraction be severe enough to warrant such action. Documentation of the termination shall be placed in the employee's personnel file.

1.2. **Definition of Terms**

- 1.2.1. **Administration** (non-classified) include the President and Vice Presidents
- 1.2.2. **Professional Staff** (other non-classified administrative support staff) includes Deans, Counselors, Program Directors, Coordinators and Department Heads
- 1.2.3. **Faculty** includes 9- and 10-month instructors.
- 1.2.4. **Support Staff** (classified) includes all employees who support the administration, professional staff and faculty.
- 1.2.5. **Extra Help Employee** / ~~Adjunct Faculty~~ refers to an individual hired on a temporary or part-time basis. An extra help employee is subject to a 29 hours per week limit with a maximum of 1500 hours in a fiscal year and does not receive any benefits (i.e., retirement, insurance, annual or sick leave).
- 1.2.6. **Adjunct Faculty** refer to part time faculty. Adjunct faculty are limited to up to 9 semester credit hours in the fall & spring and 6 semester credit hours in the summer. Adjunct faculty do not receive any benefits (i.e., retirement, insurance, annual or sick leave.)
- 1.2.7. **Classified Employee** includes all members of the staff who support the faculty and administration. The positions and pay for these positions are tied to the Arkansas Department of Higher Education ("ADHE") Pay Plan and have a pay grade assigned. This includes, but is not limited to, clerical, secretarial, maintenance, auxiliary services, grants and certain mid-level management positions
- 1.2.8. **Non-classified Employee** includes members of the staff who fill administrative/professional positions, have a line item maximum salary assigned and whose positions are approved through ADHE or specific grant administrators.

- 1.2.9. **Exempt Employee** - An employee who is paid on a salary basis, receives the same salary regardless of any hours he or she works more than 40 hours, and is employed in a position performing certain administrative, executive, or professional functions. Exempt Employees include administration, professional staff, non-classified employees, all twelve-month educational academic positions, faculty, adjunct faculty, and a few classified employees defined as exempt by the Fair Labor Standards Act. Exempt Employees are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.2.10. **Non-Exempt Employee** - An employee who is not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Non-Exempt Employees are those employees who must be paid at least the minimum wage for each hour worked and must be given compensation time for any hours worked over 40 in any given work week. The definition of Non-Exempt Employees includes most employees designated by SEARK as classified and extra-help employees in Section 1.2.6.
- 1.3. **Adherence to Fair Employment Practices** - Southeast Arkansas College does not discriminate against any employee based on race, color, sex, religion, national origin, or handicap. Southeast Arkansas College gives preference to certain qualified veterans, their spouses, or the surviving spouse of a deceased qualified veteran in hiring and employment.
- 1.4. **Equal Employment Opportunity Policy** – Southeast Arkansas College is an equal opportunity employer. Decisions relating to employment, student admission or other functions, operations or activities are made without regard to race, color, sex, religion, national origin, age or disability of qualified handicapped individuals. The College complies with Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990 (ADA). All members of the faculty, staff and student body are expected to assist with and adhere to all related statutes and laws dealing with this policy. The President of the College is responsible for implementing this policy through appropriate personnel.
- 1.5. **Americans with Disabilities Act** – The Americans with Disabilities Act (ADA), extends previous legislation and adds a broad array of employment and access rights to disabled citizens. The ADA applies to all employment related activities and is intended to ensure a level of service to disabled individuals that is equivalent to the level of service provided to those without disabilities. Additional information is available from the Disability Counselor.
- 1.6. **Organizational Structure** - The organizational chart is a diagramed illustration of administrative authority, chain of command, and responsibility and is a guide to institutional activity. It outlines the College’s major units and the overall reporting structure. Every effort is made to keep the College Organizational Charts updated as changes to our organization take place. See College Website under [Faculty & Staff Handbook](#).

- 1.7. **Representation of the College** - College officials and members of the faculty or staff may be delegated by the Board or the President to represent the College on appropriate occasions. No such delegate, however, may commit the College to any doctrine, policy, financial matter, or action without first obtaining the approval of the President, or when appropriate, the Board.
- 1.8. **Dress Code** - SEARK College is a business, therefore, employees are expected to exhibit professionalism in their dress. All clothing worn by SEARK employees should reflect a professional image of a public employee. All SEARK employees shall exemplify the highest standards of professional appearance as SEARK representatives to the community. This policy applies to employees on all SEARK campuses, including full- and part-time staff members, faculty, interns, adjunct faculty and student employees during operational hours.

Department supervisors are responsible for monitoring their employee's compliance to the dress code. Violation of the SEARK dress code as expressed herein will be immediately brought to the attention of the employee in a manner appropriate to the violation. Dress code violations will be discussed in private with the employee. A remedy could include a suggestion to dress more appropriately in the future or a request for the employee to leave the work place to change attire. Employees who continue to violate the SEARK dress code could be subject to disciplinary action up to and including termination of employment with SEARK.

Clothing: Staff members are expected to dress in a manner appropriate to their working environment and to the type of work performed. Faculty members are expected to project professionalism in their dress and appearance as an example for students in the learning environment. Dress and grooming standards are intended to enhance the image SEARK exhibits for the community it serves. Clothing shall be neat, clean, in good repair and appropriate for the employee's work assignment.

Administrative, administrative support and instructional staff shall wear business professional attire as defined in Section 1.8. Denim (jeans) is not considered appropriate attire (with the exception of Fridays) unless specifically approved by the department supervisor for particular job-related tasks such as packing and moving, restocking shelves, and like tasks. Shorts and/or hats are authorized only if part of an issued SEARK uniform.

Vocational, Buildings & Grounds, Information Technology, and Shipping & Receiving personnel shall wear apparel approved by the department and appropriate to the work conditions. Supervisors will ensure specialized clothing is maintained in good repair by the employee.

SEARK Administration may adopt a slightly less formal dress policy on Fridays. All employees may wear business casual attire on Fridays, to include denim jeans in good repair. Employees must always dress appropriately for their position and present themselves in a professional manner.

Business Professional Attire:

- Dress slacks and dress shirt/sport shirt with collar or sweater/cardigan
- Dress
- Pantsuit
- Skirt with blouse
- Dress shoes appropriate for standing/walking on campus
- Dress boots appropriate for standing/walking on campus (not work or hiking boots)
- Capri or three-quarter pants (must be below the bottom of the knees)

Business Casual Attire:

Everything listed for Business Professional Attire, plus the following:

- Blue jeans or denim wear in good repair (no ripped jeans)

Hairstyles: The College reserves the right to evaluate on a case by case basis.

Body Art: The College reserves the right to evaluate on a case by case basis.

1.8.1 **PROHIBITED ATTIRE:** The following list is not all inclusive. It represents, at a minimum, those items of attire and those wardrobe choices which are specifically prohibited.

- Clothing or headgear adorned with racial slurs; lewd, obscene or derogatory words, statements or pictures; political slogans; or clothing with unprofessional symbols, phrases or slogans to include clothing that advertises tobacco, alcohol products, sexual innuendo or any controlled substance.
- T-shirts of any kind unless authorized by the supervisor for a job specific task or college event with written approval by the responsible; sports jerseys; sweat shirts; halter tops; crop tops; tank tops; spaghetti straps; undershirts; midriff blouses; hip huggers; low-rise pants/slacks; tight-fitting or revealing garments and spandex garments shall not be worn.
- Warm-ups or sweat suits unless approved by the department supervisor for a job-specific task.
- Shower shoes, beach shoes, house slippers and crocs style shoes.
- Caps or hats (except in Buildings & Grounds)

1.9. **Committees** - Faculty and staff may be assigned to serve on various committees. All employees are expected to attend assigned committee meetings as part of their employment.

1.10. **Code of Ethics** - Employees at Southeast Arkansas College will be oriented on the Code of Ethics Policy and will sign a document to that effect at the time of employment and when updated. http://seark.edu/sites/default/files/upload/SoutheastArkansas_Code_of_Ethics.pdf

1.11. **Conflicts of Interest** - Each employee of the College has an obligation to report any personal financial interest in any enterprise that also does business with the College, and these disclosures must be made to the President and reported to the Board. It shall be a violation of this provision for any employee of the College to accept any personal gift, gratuity, or reward from any person, firm, or corporation having a business relationship with the institution.

1.11.1 **Engaging in Outside Employment** - No full-time employee of the College shall engage in any outside employment, which, in the judgment of the administration, reflects unprofessionally against the faculty or the College image, is considered unethical, or interferes with the employee's regular duties.

SEARK employees cannot receive duplicate payment for the same hour internally or externally. Acceptance of outside employment during the working day and receiving compensation while working the same time at SEARK is prohibited.

Any employment with another State of Arkansas agency, college, university or school must be disclosed on Employment Disclosure Forms to ensure that State salary maximums are not exceeded. See Website Employee Disclosure Form under [Faculty & Staff Handbook](#)

1.11.2 **Financial Interest in Contracts** - An employee of the College shall not have a direct financial interest in any contract for supplies or services to the College, other than the services for which he/she is under contract.

1.11.3 **Political Activities** Southeast Arkansas College state employees can, should, and are encouraged to participate in the election process so long as assistance to candidates is rendered on the employee's own time and state property is not involved. Employees are not to endorse candidates, including the Governor, in their official capacity as state employees.

Arkansas state law prohibits state employees from devoting time or labor during usual working hours toward the campaign of candidates for office or for the nomination to an office. Political banners, posters or literature should never be allowed to be displayed on or in any state office. Political bumper stickers or decals should never be displayed on or in state cars.

This policy is not intended to limit free and objective discussion in the classroom of all ballot issues where appropriate, nor is it intended to limit the right of a faculty member to align actively in any political activity outside the classroom. This policy is not intended to limit the right of an employee to be an advisor (and therefore, a partisan member, if desired) of a properly constituted political club on campus.

1.12. **Grievance Procedures** – See Policy on College Website Employee Forms under [Faculty and Staff Handbook](#)

- 1.13. **Reduction in Force** - Reductions in force may be caused by:
- (a) declining or reduced enrollments overall or in a given individual program,
 - (b) reduced appropriations or tax collections,
 - (c) reduced workload, or
 - (d) other conditions that may require personnel reductions.

Professional level personnel reductions may be affected by:

- (a) withdrawal of overload assignments,
- (b) increased student-teacher ratios,
- (c) not filling personnel vacancies,
- (d) reassignments within the College,
- (e) employee termination, or
- (f) increasing assigned credit hour workload.

Employees so terminated may be given some preference in rehiring when conditions permit employment of persons with their qualifications.

- 1.14. **Applying for a Different Position** - Position vacancies will be posted on the College's website and may be publicized in local and state newspapers and journals. Any qualified applicant may apply for a vacant position; however, a separate College application must be submitted for each position sought and all proper application requirements met. Selection for the position shall be made based on merit, education, and experience. If all these factors are deemed equal, length of service at Southeast Arkansas College will be considered.
- 1.15. **Regular Work Day** - The regular work day for employees is from 8:00 a.m. to 5:00 p.m., or an equivalent, based upon the needs of the College. All administrative offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, during the regular school term, unless otherwise allowed by supervisor.
- 1.16. **Holidays** - The following 12 holidays will be observed in accordance with the academic calendar:
- 1. New Year's Day
 - 2. Martin Luther King Day
 - 3. Memorial Day
 - 4. Independence Day
 - 5. Labor Day
 - 6. Thanksgiving Day
 - 7. (Day after Thanksgiving if declared by Governor)
 - 8. Christmas Eve
 - 9. Christmas Day

In addition to academic calendar holidays the full-time 12-month employees will also receive the following holidays: Note: These holidays may be observed on a date other than the actual holiday in accordance with the academic calendar.

10. President's Day & Daisy Gaston Bates Day
11. Veterans' Day
12. Employee's Birthday – See leave policy (Must be taken before next birthday or forfeited.)

1.17. **Alternative Summer Work Schedule** - The President has the authority to alter these conditions during the institution's summer sessions provided that each full-time, non-teaching employee is scheduled to work 40 hours each week and essential services are maintained.

1.18. **Paychecks of Employees** - Pay for all full-time and adjunct employees is by direct deposit. Employees are paid semi-monthly according to the schedule established by the College. Time sheet employees are paid bi-weekly.

1.19. **Benefits –**

1.19.1 **Leave** - A leave request is not approved until approved by the supervisor. Unapproved leave for an absence that has already occurred will be leave without pay.

1.19.1.1 **Sick Leave –**

- Sick leave cannot be used until the first working day of the month after it has been earned.
- Employees may not borrow from anticipated future accruals.
- If unauthorized leave is taken, leave without pay will be in effect.
- Notification of absence due to illness shall be given as soon as possible on the first day of absence to the employee's supervisor.
- Failure to properly notify the immediate supervisor or to report absence due to illness or injury may result in leave without pay, disciplinary action, and/or suspension/termination. Failure to communicate an absence could be construed as job abandonment.
- If an employee fails to make proper notification for use of sick leave or attempts to use sick leave for reasons other than stated below, such absences may result in use of annual leave or leave-without-pay and/or disciplinary action, up to and including suspension/termination. Such determination shall be made by the appropriate supervisor and/or Human Resources.

- Employees accrue sick leave at the rate of eight (8) hours for each complete month of service.
- The maximum sick leave accrual is 960 hours at calendar year-end. Any hours accrued above 960 will be forfeited at calendar year-end and no compensation will be made to the employee.
- Employees continue to earn sick leave at the normal accrual rate when they are on sick leave or annual leave unless 80 hours or more of Leave Without Pay are taken in a calendar month, with the exception of approved FMLA.
- Sick leave is granted based on workdays, not calendar days. Non-work days, such as holidays and weekends, are not charged as sick leave.
- Approved absences due to sick leave, except in the case of maternity leave, shall be charged in the following order: (1) earned sick leave, (2) comp time, (3) earned annual leave/birthday leave and (4) leave without pay.

Sick leave may be used for only the following purposes:

- When the employee is unable to work because of sickness, injury; medical, dental, or optical treatment.
 - Death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an employee.
 - Nine-month faculty can use a maximum of 8 hours of sick leave per fall/spring semester at their discretion for personal business with prior approval from their supervisor. Nine-month faculty don't earn and cannot take sick leave during the summer term.
- Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate of illness and release to return to work from an attending physician or nurse practitioner. If the supervisor notes a pattern of sick leave usage or suspects abuse of sick leave, a doctor's written verification may be requested of the employee at any time. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician's certificate.
 - Requests to use sick leave for purposes of medical, dental, or optical examinations, hospital stays, funerals, etc., shall be made in advance whenever possible. Application for sick leave is to be filed on the first working day upon return, if not requested in advance.
 - Accrued sick leave will be restored to any employee's credit if he/she returns to State employment within six (6) months of termination.

- When an employee transfers between State agencies and/or State supported institutions, which are covered by the Uniform Attendance and Leave Policy Act (ACA §21-4-201 et. Seq.), they are possibly entitled to a transfer of the unused portion of his/her annual and sick leave.
- The amount of leave to be transferred shall not exceed the accrual limits established in the Uniform Attendance and Leave Policy Act (ACA §21-4-201 et. Seq.). The receiving agency will be responsible for verifying the employee's accrued leave with the relinquishing agency. The newly hired employee is responsible for providing SEARK Human Resources with contact information for the relinquishing agencies Human Resources.
- Full-time employees who are of retirement age per state definition and formally indicate they are retiring are entitled to payment of unused sick leave based upon a schedule outlined in the DFA Policy and Procedures Manual.

1.19.1.2

Children's Educational Activities Leave (CEAL) – All full-time state employees shall be entitled to eight (8) total hours of leave, regardless of the number of children, during any one (1) calendar year for the purpose of attending or assisting with the educational activities of a child. Children's Educational Activities Leave that is unused may not be carried over to the next year. Children's Educational Activities Leave is not compensable to the state employee at the time of retirement. Proof of attending an educational activity is required at the time the leave is requested.

Definitions as used in this section:

Child -- person enrolled in pre-kindergarten through grade 12 or is over the age of 18 and declared mentally disabled and/or declared legally incompetent who has the following relation to a state employee:

- Natural Child
- Adopted Child
- Stepchild
- Foster Child
- Grandchild
- Ward of the state employee
- Any other legal capacity where the state employee is acting as a parent for the child.

Educational Activity means any school-sponsored activity including without limitations:

- A Parent-Teacher Conference
- Participation in school sponsored tutoring
- Participation in school sponsored volunteer program
- A field trip
- A classroom program

- A school committee meeting
- An academic competition
- Assisting with athletic, music or theater programs

1.19.2 **Leave Without Pay** - Employees may not take leave without pay until all their annual leave has been exhausted, except in the cases of maternity leave and agency disciplinary leave without pay. In the case of maternity leave, such employee may elect to take leave without pay, without exhausting accumulated annual and sick leave. In the case of disciplinary leave without pay, the agency may place an employee on a leave without pay status in accordance with the agency's written and publicized personnel policies. Repeated instances of leave without pay could be subject to disciplinary action.

1.19.3 **Maternity Leave** - Maternity leave is to be treated as any other leave for sickness or disability. However, the employee may elect to take a leave of absence without pay without exhausting accumulated annual and sick leave.

1.19.4 **Family Medical Leave Policy** – Southeast Arkansas College follows the federally mandated Family and Medical Leave Act (FMLA). Policies and procedures for FMLA are available through the offices of Human Resources or on Employee Forms under [Faculty & Staff Handbook](#). Employees on medical leave are not permitted to work outside the office without making arrangements through HR and with approval of the department Vice President.

1.19.5 **Absence for Jury Duty and Court Appearances** - No deduction shall be made from the salary of an employee for compensation the employee receives for appearing at jury duty in any court in this state when the reasons for such appearances are not personal to the employee.

Leave requests for jury duty must be submitted along with the appropriate court documentation to the employee's supervisor prior to the absence for jury duty or court appearance.

1.19.6 **Absence for Military Leave and Re-Employment of Veterans** - Leave for military duty will be granted pursuant to the Arkansas Department of Finance and Administration Office of Personnel Management's Policy and Procedures Manual. A copy of these rules and regulations will be provided to employees upon request.

1.19.7 **Group Insurance for Employees** - Southeast Arkansas College offers a variety of voluntary insurance plans to all new full-time employees which include, but are not limited to, the following: Medical, Dental, Life, Cancer, and Disability. New employees have **30 days** from the date of hire to enroll. Employees not eligible for health insurance benefits are encouraged to visit the [Affordable Care Act website](#).

Note: When on officially granted unpaid leave of absence, an employee will be required to pay the College the cost of premiums. This amount will include the employee's portion as well as the College's portion. Otherwise, the coverage will expire.

1.19.8 **Retirement Plans** - Southeast Arkansas College offers several retirement plans to all full-time employees. Different variables affect which plan will be offered to the employee. The retirement plans currently in effect are:

- Arkansas Teacher Retirement, if eligible
- Arkansas Public Employees Retirement System
- TIAA/CREF
- VALIC

Note: Additional information may be obtained from the Human Resources Office.

1.19.9 **Other Benefit Offerings** – contact Human Resource Office for complete list.

1.19.10 **SEARK Employee/Spouse/Dependent Tuition Exemption Policy** - All full-time SEARK College employees, employees' spouses, and employees' children (children are defined as under age 26 at the time of registration) may qualify for tuition exemption for Southeast Arkansas College academic courses.

Qualifications: Employment status on the first day of the academic semester determines eligibility for tuition exemption. Tuition exemption is based on the in-state tuition rate per credit hour. Required books and fees are not exemptible. A current marriage license, and/or birth certificate are required to prove eligibility for spouse and/or child. A Request for Tuition Exemption form and supporting documentation must be submitted to the Human Resource Personnel Office prior to registration each semester. The last day to apply for admission is the last day to apply for tuition exemption.

Enrollment in Classes on Campus During Work Hours:

- SEARK College employees are not eligible to attend classes during their scheduled work hours until they have been employed for either 6 months or 1 full regular semester.
- Employees who have been employed for either 6 months or 1 full regular semester may, with the approval of their supervisor, take one class per semester during the employee's regularly scheduled working hours following these guidelines:
 - Any time missed may be made up by shortening lunch periods (NOTE--at least 30 minutes for lunch must still be taken each day), by using vacation, by rescheduling work hours, or by taking a reduction in pay.
 - The procedure for making up missed time must be included in the Request for Tuition Waiver, must be made at the beginning of the semester for the entire semester, and must be approved by the employee's supervisor.

Maintaining Tuition Exemption Eligibility:

- Students receiving the Employee/Spouse/Dependent tuition exemption must complete each class with a C or better to maintain tuition exemption status (this does not include classes that are dropped within the add/drop period at the beginning of each semester).
- If a student receiving tuition exemption does not successfully complete each course with a minimum grade of C, the student will be placed on tuition exemption probation for one semester.
 - While on tuition exemption probation, the student is allowed to register for classes but will only receive a tuition exemption for 3 hours. The student will be expected to pay all tuition costs for any hours taken in excess of the 3 exemptible hours.
 - To be taken off probation, the student must successfully complete one semester by making a grade of C or better in all classes.
- If the student does not complete all classes with a minimum grade of C during the probation semester, the student will be placed on tuition exemption suspension. SEARK College will not provide tuition exemption for students on tuition exemption suspension.
 - While on suspension, the student will be responsible for covering all costs involved with any subsequent classes for which he/she registers for at SEARK.
 - To be taken off suspension, the student must successfully complete one semester by making a grade of C or better in all classes, thus demonstrating progress toward program completion.

Employee, spouse, child or dependent student may appeal the individual loss of exemption (in person) to the Vice President for Student Services who may refer the appeal to a committee.

1.19.11 **Expenditure of College Funds** - All expenditures of College funds must be authorized by the appropriate administrator and are subject to all state purchasing procedures. For questions, contact the SEARK purchasing officer in Business Services or refer to Website [Purchasing Procedures](#).

1.19.12 **Authority** - The Board of Trustees directs and authorizes the President of the College to approve expenditures for official functions consistent with the mission and image of the College. The term “official functions” consists of: official institutional committees and advisory groups; official external committee and advisory groups; receptions, honors, and awards; faculty and staff functions; and miscellaneous functions consistent with the mission of the College.

- 1.20 **Travel** - All travel expenditures of College funds must be authorized by the appropriate administrator and are subject to all state travel procedures. For questions, contact the SEARK purchasing officer in Business Services or refer to Website [Travel Procedures](#).
- 1.20.1 **Attendance at Professional Meetings** - The immediate supervisor and the appropriate Vice President must approve an employee's plans to attend a workshop, seminar, conference, convention or make professional presentations. All plans are subject to the final approval of the President.
- 1.20.2 **On-Campus Professional Development** - Employees must attend scheduled professional development, unless excused by dean and vice president. Nonattendance of professional development may result in loss of pay, leave and will be reflected in evaluations. Annual Training for Recognizing and Reporting Child Abuse is required for all employees. A copy of the Completion Certificate must be on file in the Human Resource Office. Failure to complete the webinar and provide the certificate may result in disciplinary action. Other mandatory trainings will be provided and completion shall be required.
- 1.20.3 **Authorization of Travel** - Travel by faculty and staff is encouraged when it is intended to promote the professional growth of the College. The opportunity to attend professional meetings will be distributed as broadly as possible. Additionally, administrative leave and travel may be approved for attendance at educational and professional meetings and other activities deemed necessary by the President. See College Website [Employee Forms](#)
- 1.20.4 **Reimbursement for Travel Expenses** - Staff members shall be reimbursed for authorized personal expenses incurred while on official trips for the College. Official trips are those with prior approval. When feasible and available, College-owned vehicles may be used rather than private vehicles. If a State automobile is not available, mileage for use of personal automobile will be reimbursed per mile as per state travel policy.
- All mileage is to be computed from the shortest distance to the destination from and to the employee's duty station. Meals and lodging are to be reimbursed according to state travel policy. See College Website [Employee Forms](#).

Vehicle reservations should be made with the Building and Grounds Supervisor at least 48 hours in advance when possible. Vehicles should be picked up from their regular parking area and returned to that location when the trip is completed. All trash and personal items must be removed from the vehicle and vehicle must be refueled before it is returned.

To receive mileage reimbursement, an employee must fill out a form through the Human Resources office that is sent to the state for approval based upon the employee's driving record. Employees must have a valid Arkansas Driver's License, proof of personal automobile liability insurance ~~on file~~ and use a seat belt to meet state guidelines to drive a College vehicle.

Use of smoking, tobacco, E-Cigarettes and vaping devices are not allowed in College vehicles.

When authorized expenses are incurred, the employee will file a travel reimbursement request with the supervising administrator. *Reimbursement for meals and lodging cannot exceed the maximum amount allowed for state employees.*

- 1.21 **Professional Development** - Employees of the College are encouraged to seek improvement within their area of expertise. The College may provide a budget for reimbursement of professional development costs. To qualify for reimbursement, faculty and staff must receive approval from their immediate supervisor, appropriate vice president, and president of the College at least two weeks before the scheduled course/seminar. The activity must be pertinent to the skills/knowledge area in which the person is employed and fit into the overall mission and plans of the College. Attending professional development activities is a privilege and must not interfere with institutional responsibilities for which the employee is compensated. The employee will be responsible for submitting documentation of completed professional development to Human Resources to be placed in their personnel file. These documents should be emailed to personnel@seark.edu.
- 1.22 **Membership in Professional Organizations** – Employees are encouraged to participate in relevant professional organizations at local, state, or national levels as departmental budgets permit.
- 1.23 **Arkansas Freedom of Information Act** - The FOIA defines public records to include data compilations in any form required by law to be kept or otherwise kept, which constitute a record of the performance or lack of performance of official functions which are, or should be, carried out by a public official or employee [or] a governmental agency...@ Ark. Code Ann. §25-19-1031(1). All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. Various exceptions apply.
- College electronic files, including email files, are part of the Arkansas Freedom of Information Act (AFOIA), Ark. Code Ann. §25-19-101 et seq.
- 1.24 **Technology Usage and Copyright Policies** – These policies apply to all technology users at Southeast Arkansas College. All technology users must carefully review and adhere to the Technology Use Policy. Inappropriate use or violations of the policy may result in loss of these privileges.
- 1.24.1 **Appropriate Use of Technology** - The College provides technology services for educational purposes and to facilitate activities necessary for the efficient operation of the College. The College intends that this technology be used in a manner, which is conducive to learning, is free of illegal acts and shows respect for the rights and dignities of others.

- 1.24.2 **Technology as a Required Resource and Privilege** - Appropriate uses of technology include:
- a. Accessing the Internet for curriculum related research and information gathering;
 - b. Utility and applications software that accomplish tasks and fulfill class functions;
 - c. Communication and collaboration between users and/or other appropriate entities;
 - d. Access to the Internet for up-to-date information published by SEARK College, other state agencies, and various other providers of information that may be necessary in order to complete assigned tasks;
 - e. Activities or projects that support assignments of students (i.e., word processing programs, spreadsheet programs, various educational tools, etc...)
- 1.24.3 **Privacy of Information** - SEARK College reserves the right to monitor and/or log all network activity with or without notice, including e-mail and all web site communication. Users should have no expectation of privacy in the use of these resources.
- 1.24.4 **Use of State Technology and Equipment** - Use of any and all State-owned equipment and supplies shall be restricted to official state use only. Unauthorized or personal use of equipment or supplies may be grounds for dismissal.
- 1.24.5 **User Restrictions** – Technology users will not excessively use the agency network, computer systems, and servers including access to the use of the Internet and other information resources during regular class hours for business unrelated to the class or operation of the college.
- 1.24.6 **Unacceptable Uses** - The following general uses are prohibited, including but not limited to:
- Interference with the security or operation of the computer systems;
 - Vandalizing equipment, software, or hardware;
 - Attempting to alter or gain access to unauthorized files or systems;
 - Using technology in a way that interferes with class or work obligations;
 - Violating the rights of others by publishing or displaying any information that is defamatory, obscene, known to be inaccurate or false, profane, or threatening.
 - It is unacceptable for a user to use, submit, publish, display, or transmit on the network or on any computer system any information which:
 - Violates or infringes on the rights of any other person, including the right to privacy; Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material;
 - Inhibits other users from using the system or the efficiency of the computer systems; Uses the system for any illegal purpose.

- Conduct any non-governmental-related fund raising or public relations activities Engage in any activity for personal financial gain, such as buying or selling of commodities or services with a profit motive;
- Visit and/or participate in chat rooms not designed for professional interactions specifically related to one's job.

1.24.7 **Electronic Mail (E-mail)** - E-mail is considered network activity and as such is subject to all policies regarding acceptable/unacceptable uses of the Internet. The user should not consider e-mail to be either private or secure.

1.24.8 **E-mail Guidelines** - It is the responsibility of users to manage their account in accordance with established guidelines and in such a way that does not interfere with their duties.

1.24.10 **Copyright Guidelines** – Users must honor copyright laws regarding protected commercial software used at the agency.

1.24.11 **Compliance with Copyright Laws** - The College intends to comply with the U.S. Copyright Law. Employees are prohibited from copying copyrighted work unless the action is authorized by:

- (a) specific exemptions in the copyright law,
- (b) the principle of fair use,
- (c) the fair-use guidelines, or
- (d) licenses or written permission from the copyright owner.

The College will not be responsible for the cost of any legal action taken against any user that violates such laws regardless of the situation or the intent or purpose of the user.

1.24.12 **Enforcement and Penalties** - SEARK users are responsible for complying with this policy. Penalties for noncompliance include, but are not limited to:

- Suspension or usage restrictions of Internet service and email/messaging services.
- Internal disciplinary measures, including disciplinary action such as suspension, termination or expulsion.
- Initiation of criminal or civil action, if appropriate.

In compliance with the Digital Millennium Copyright Act, The Designated Agent may be reached at dmca@seark.edu.

- 1.25 **Confidentiality of Student Educational Records** – Records containing information directly related to a student are confidential and protected from public disclosure by the Family Educational Rights and Privacy Act (FERPA) and the Arkansas Freedom of Information Act. No one shall access any such records maintained in an electronic format or disclose or distribute their contents in any manner inconsistent with federal and state law and College regulations.
- 1.25.1 Health Insurance Portability and Accountability Act (HIPAA) mandates that the privacy of medical information is to be maintained. Any employee who has access to employee or student health information as part of their job duties is required to maintain the confidentiality of those records.
- 1.26 **Civil Rights Acts**
- 1.26.1 **Title VI of the Civil Rights Act of 1964** – It is the policy of the Southeast Arkansas College that no person shall be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity of the College on the grounds of race, or national origin.
- 1.26.2 **Title VII of the Civil Rights Act of 1964** – It is the policy of the Southeast Arkansas College that it shall not discriminate against any person with respect to employment, discharge, compensation, terms, conditions, or privileges of employment, because of such person’s race, color, religion, sex, or national origin.
- 1.26.3 **Sexual Harassment Policy** – Harassment, based on gender, is illegal and a violation of Title VII of the Civil Rights Act of 1964 and Title IX (VAWA), as amended. This policy defines sexual harassment and establishes a procedure whereby alleged sexually harassed faculty, staff, and students may lodge a complaint immediately and confidentially. See College Website Sexual Harassment Policy under [Faculty & Staff Handbook](#) and 4. Federal Policies and Employee Rights page 34 below.
- 1.26.4 **Title IX – Education Amendments of 1972** – It is the policy of Southeast Arkansas College that no person shall, be denied admission, or be subjected to discrimination in admission based on gender. In determining whether a person satisfies any policy or criterion for admission, the College shall not give preference to one person over another based on gender.
- 1.26.5 **Rehabilitation Act of 1973** – Southeast Arkansas College does not discriminate in admission to, or access to, or treatment of, or employment in, its programs or activities on the basis of handicapped status. This commitment is made by the College and is in accordance with Section 504 of the Rehabilitation Act of 1973.

1.27 **Drug Free Workplace Policy and Procedures** - It is the policy of Southeast Arkansas College that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on college premises, or as part of any college sponsored activities. Workplace also includes vehicles owned, rented or leased by Southeast Arkansas College. The driver of any state vehicle may be subject to drug and alcohol testing.

Any person while under the influence of illegal drugs or alcohol must not enter the campus. Any person violating this rule will be subject to disciplinary or legal action or both as deemed appropriate for the situation.

Southeast Arkansas College does not differentiate between drug or alcohol users, or sellers. Any person who gives, or in any way transfers a controlled substance as defined by the law or alcohol to another person or sells or manufactures a controlled substance while on the college premises, will be subject to disciplinary and/or legal action up to and including suspension or termination.

The term “controlled substance” refers to any drug not prescribed for the individual by the licensed health care practitioner, the illegal use of which violates State and Federal regulations. It also includes legal drugs prescribed by a licensed health care practitioner that are being abused.

Employees must notify his or her division dean or other appropriate supervisor in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

The Division Chair or Dean, or supervisor of the employee shall immediately convey this information, through appropriate channels, to the supervisor to whom he or she reports. If the convicted employee is engaged in a project funded by federal monies, the aforementioned supervisor will notify the granting or contracting agency within ten days after receiving notice of the conviction. An employee who is convicted under any criminal drug statute for a violation occurring in the workplace is required to successfully complete a drug counseling or rehabilitation program. Additional sanctions, including termination of employment, may be imposed for the first-time and/or repeated convictions.

Adherence to the terms of this policy is a condition of employment at SEARK, including those engaged in work funded by a federal grant or contract.

1.28 **Use of Tobacco** – Arkansas requires a smoking ban at all public institutions of higher education effective 8-1-10. See Clean Air on Campus Act of 2009. The college prohibits the use of tobacco (including smokeless), electronic cigarettes and vaping devices in any form on the college campus, property, sponsored events or vehicles owned or leased regardless of location. The policy applies to all students, faculty, staff, vendors, and visitors.

This policy does not apply to nicotine patches, or nicotine gum.

- 1.29 **Sales to Students** - Members of the teaching staff shall not have personal interest in the sale of books, instruments, lecture notes, or similar materials for the explicit purpose of monetary gain.
- 1.30 **Soliciting on Campus** - Only recognized campus organizations with prior approval of the Vice President for Student Affairs may solicit funds.
- 1.31 **Check Cashing** - The College will not cash personal or two-party checks.
- 1.32 **Requests for Maintenance** - Requests for maintenance work should be submitted by e-mail to the Buildings and Grounds Helpdesk (bghelpdesk@seark.edu).
- 1.33 **Convocation** - Each fall and spring semester full-time faculty and staff are required to attend a pre-semester convocation, which ordinarily is conducted prior to the beginning of classes.
- 1.34 **Attendance at Commencement\Graduation** – Members of the staff must sign in if they attend Commencement exercises to verify attendance, if required.
- 1.35 **Drones and other Flying Devices** - Drones and any other electronic flying devices may not be used on the campus without written permission from the Vice President of Student Services.
- 1.36 **Personal Items** - Southeast Arkansas College shall not be held responsible for personal items on the school grounds, parking lots, or any off-site facilities or locations, including but not limited to items in personal vehicles, offices or unsecure locations on campus. Employees who choose to bring such items on campus grounds shall be solely responsible for any costs incurred to replace or repair lost, damaged, or stolen personal items.
- 1.37 Human Resources shall be the repository of all credentialing information including official transcripts, licensures, professional development, etc. If a hiring decision is based upon a certification or license, a copy of the document must be placed in the personnel file.

Unofficial transcripts must be provided prior to an offer of employment. Official transcripts must be provided within thirty (30) days of the hiring date. Failure to provide credentials may result in employee disciplinary actions up to termination of employment.

Any professional development that may be required as part of a position is the responsibility of the Division Dean. A copy of completed professional development or attendance must be submitted to personnel@seark.edu. The purpose of scanning the document is proof of submission and receipt of said documents.

2. Faculty Employment Issues

- 2.1 **Appointment to the Faculty** - Positions will be filled after a search for potential candidates. A search committee appointed by the appropriate Vice President, Dean, Director, or Coordinator who will make a recommendation to the President will review candidates and/or resumes. Southeast Arkansas College is an Equal Opportunity/Affirmative Action employer.
- 2.2 **Filing of Credentials** - It is the responsibility of each member of the administration and faculty to have current credentials (including a resume) on file in the human resource office. These credentials are records of information. Official transcripts must be mailed from awarding institution directly to Human Resources. Failure to provide needed credentials may result in the termination of contractual agreements.
- 2.3 **Faculty Letter of Appointment** - A Letter of Appointment for the next school year will be provided before July. The Letter of Appointment will specify the faculty member's proposed salary for the coming year, contingent upon the availability of funds. A separate agreement may be issued for extra duties, overload teaching assignments, and the summer session. Some changes in the letter of appointment may be required to insure conformity with established salary provisions, length of time served under the letter of appointment, or changes due to academic advancement. The Letter of Appointment states that those signing agree to abide by all policies, rules, and regulations established by the Board. The President or their designee is authorized to sign all Letters of Appointment.
- **In order to qualify for a salary increase due to additional education/degree, the degree obtained must be beneficial to their position, must be from an accredited institution, and the possibility of salary increase should be preapproved by executive cabinet. The faculty member must submit written notification and an official transcript to the Vice President for Academic Affairs then to the President and documentation must be submitted to the Human Resource Office before the advancement becomes effective.**
- 2.3.1 **Acceptance of Letter of Appointment** - In order for the administration to effectively plan, it is imperative that letters be returned by the date indicated in the letter. Failure to comply with this provision may void the appointment.
- 2.4 **Compensation and Benefits**
- 2.4.1 **Review of Compensation** - The administration will review the compensation of employees to determine what amounts are adequate to attract, hold, and fairly compensate the caliber of faculty and non-classified personnel essential to an educational program of excellence.
- 2.4.2 **Determination of Individual Salaries** – The administration of the College shall be responsible for placing members of the faculty at the appropriate salary.

2.4.3 **Attendance** – Faculty members are responsible for holding every session of each course for the full, scheduled time. If an instructor must be absent or late for any reason, he/she should contact the appropriate Dean or Chair/Coordinator the night before, when possible, or before 7:30 a.m. Only illness or emergencies warrant missing a class. Bereavement is considered an emergency. Other leave will be without pay. Instructors teaching an evening class should contact the Dean, Coordinator, Administrative Specialist, or Vice President of Academic Affairs several hours in advance, if he/she cannot be present for class. Prior to the cancellation, Instructors should notify the appropriate Dean and Department Chair any time a class is cancelled for any reason.

2.4.4 **Regular Work Week** - Meeting the essential duties and responsibilities of a faculty position is expected to require at least 40 hours a week on average, including work on and off campus, during the contract period. Much of faculty work occurs at designated times each week (such as classes, office hours, meetings, etc.). Since the college offers learning opportunities around the clock, seven days a week, and because much of faculty work can be accomplished off campus, an 8 to 5, Monday through Friday schedule is impractical. A typical faculty work schedule varies from semester to semester (scheduled responsibilities) and week to week (non-scheduled responsibilities) to best accommodate student learning, professional development, and service to the college. The basic instructional assignment is thirty (30) load hours per academic semester for 9-month faculty. The 30 hours will include 15 hours of classroom instruction, 10 office hours (one hour per week to be spent in Tutoring Central) and 5 flex-hours (for meetings, professional development, as needed, or community involvement and service). The 30 hours is not applicable to each program or to 10 or 12-month faculty.

Faculty teaching in non-credit and short-term credit programs normally adhere to a regular 40-hour work week schedule as approved by the immediate supervisor.

2.5 **Administrative Guidelines Related to Teaching Loads and Overload Compensation –**

2.5.1 **Introduction** – These guidelines are designed to apply to any person(s) who engages in instructional activities under the auspices of the College. For the purpose of these guidelines, overload applies to a teaching load of any full-time faculty member over 15 hours.

Adjunct refers to an individual employed to teach one or more credit or non-credit courses. Adjunct instructors are generally referred to as individuals employed to teach 9 hours or less in a regular semester and 6 hours or less in summer.

Prep is short for academic preparation. A course, or multiple sections of the same course, is one academic preparation. When evaluating teaching load, 15 lecture contact hours each semester equals one semester credit hour.

When evaluating teaching load, 2 science lab contact hours equals one semester credit hour load of a lecture class. The instructional year has three semesters: fall, spring, and summer. For the purpose of calculating instructional load every semester will be viewed as a whole unit.

The scheduling/acceptance of a teaching overload is optional based upon mutual agreement between the College administration and the full-time instructor or full-time College employee.

Distance education courses (Internet) with at least 10 students have the same weight as lecture courses in the overall load of a faculty member. The Vice President of Academic Affairs will consider distance education courses with less than 10 individually when calculating teaching load. The College will be sensitive in scheduling classes (when possible) to meet personal requests made in writing and in advance of the class scheduling process. The College reserves the right to cancel a class when: (a) fewer than 10 students enroll, (b) a qualified instructor is not available, (c) necessary facilities, equipment or materials are not available, or (d) for reasons which would otherwise make the teaching and learning in the class inefficient or ineffective.

SEARK employees cannot receive duplicate payment for the same hour internally or externally. Acceptance of outside employment during the working day and receiving compensation while working the same time at SEARK is prohibited.

Any employment with another State of Arkansas agency, college, university or school must be disclosed on a Concurrent Employment form to ensure that State salary maximums are not exceeded.

2.6 **Administrative Guidelines –**

2.6.1 **Teaching Load** - A normal full-time faculty member in General Studies and Technical Studies has a required teaching load each regular (fall, spring) semester of 15 semester credit hours with three or fewer preps. A normal, full-time faculty member in Nursing & Allied Health has a required teaching load each regular (fall, spring) semester of 7-15 credit hours, which includes 6-24 contact hours in clinicals. All classes taught within the confines of a semester, regardless of how scheduled (day/evening, 8-week/16-week, etc.), are considered together when determining teaching load and overload compensation.

2.6.2 **Teaching Load Prep** - The normal teaching load of a faculty member may include up to 3 preps. A prep will be considered the equivalent of 1.5 credit hours and compensated as such. If a faculty member is required to teach courses requiring more than 3 preps, they will be compensated for the overload at the following rate: \$1050 for the 4th prep or \$2100 for a 4th & 5th prep. More than 5 preps are discouraged and require special permission from the VPAA.

Course sections that are taught by distance education methods are not considered for additional preps i.e., teaching a section of the same course online and in-class does not qualify for compensation for an additional prep. Co-requisite ALP courses which require two sections of the same course (e.g. English Comp I & ALP English Comp I) are not considered separate preps.

If an extra class is assigned that necessitates an overload in terms of hours, while at the same time necessitating four or more preps, then compensation for the overload, as well as the preps, will be paid.

- 2.6.4 **Teaching Overloads** - Full-time faculty are generally 9-month contractual employees. The maximum teaching overload for a full-time faculty member is 9 semester credit hours during the duration of a regular (fall, spring) semester. Full-time faculty may teach a maximum of 12 hours over the summer semesters.

Compensating Overloads – Full-time faculty who teach an overload course during the regular fall or spring semesters, or who teach courses during the summer semester, will be compensated at the set rate for adjunct pay (Currently \$700 per credit/contact hour).

- 2.6.5 **Adjunct Maximum Teaching Loads** - The maximum teaching load for part-time and adjunct faculty is 9 semester credit hours during the duration of a regular (fall, spring) semester. The maximum teaching load for part-time and adjunct faculty is 6 semester credit hours during the duration of the summer sessions (summer sessions 1, 2, 3, 4, etc.).

- 2.6.6 **Department Chair Teaching Loads** The standard teaching load for Department Chairs will be 12 semester credit hours for General Studies and Technical Studies, or 7 credit hours, which includes required clinical contact hours for NAH Chairs.

Department Chairs may teach up to 6 semester credit hours (7 for NAH) overload outside of normal work hours (8:00 a.m. to 4:00 p.m.) Department Chairs work week must include hours between 8:00 a.m. and Noon on Fridays.

- 2.6.7 **Technical Course Loads** – Loads for technical courses are calculated the same as other courses. Deans/Chairs should consult the catalogue for the number of contact hours that are lab and lecture and calculate accordingly. Vice President for Academic Affairs will consider contact hours calculations in determining teaching loads.

Contact Hour Loads – Loads for Nursing and Allied Health are calculated based on the credit hours assigned to courses for student credit, plus the contact hours required for clinicals. Deans/Chairs should consult the catalog for the number of contact hours that are equivalent to lab and lecture and calculate accordingly. The Vice President for Academic Affairs will consider contact hour calculations in determining teaching loads for NAH faculty.

- 2.6.8 **Non-Credit Instruction** - Non-credit instruction is generally paid per clock hour. A maximum teaching load for non-credit instruction is 15 clock hours per week. The Division Dean/Chair and Vice President for Academic Affairs must approve exceptions to these guidelines.

- 2.6.9 **Pro-Rated Classes** – Classes with fewer than 10 students may be pro-rated for calculating load purposes. A class, for example, with only 8 students may be evaluated at 8/10 the load value of a class with 10 or more students. Likewise, faculty with a total load of fewer than 60 students may not be eligible for overload compensation. The compensation rate for pro-rating classes will be \$210 per student up to 10.
- 2.6.10 **Combined or Stacked Class Load** - Combined or stacked classes (taught at the same time) count as one class and one preparation. Classes, which are team-taught, (two instructors) are pro-rated accordingly (50/50) as to course prep, credit hour load calculation and/or overload compensation, assuming equal participation by each instructor.
- 2.6.11 **Internships** - Internship work experience courses and community service-learning courses are treated as lab courses (1/2 the value of lecture courses) in assessing faculty loads. As usual, this is based on 10 or more students.
- 2.6.12 **Independent Study** - The College generally discourages compensation for Independent Study. The College makes every effort to provide comprehensive schedules to benefit students with varying course scheduling demands. When independent study is unavoidable, compensation is \$750 per student (\$50 per week for 15 weeks).
- 2.6.13 **Other Assigned Duties** - Upon advice by the Vice President for Academic Affairs and approval by the President, alterations to teaching loads may be made due to the assignment of administrative duties, accreditation standards, or other academic or load considerations.
- 2.6.14 **Non-Faculty Instruction** - Academically qualified College personnel who are not faculty may be asked to teach a course(s). To qualify for additional compensation, the full-time employee must teach the course outside normal business hours (8:00 a.m. – 5:00 p.m.) or have a special work schedule that is approved by the President. Compensation will be paid according to adjunct or overload policy.
- 2.6.15 **Class Size & Overloaded Classes** – Class size is an important factor in ensuring student success. Class size will be set according to the type of course, the grading load for faculty and the availability needed equipment. For courses that depend primarily on lengthy written work for grading (e.g. English composition) the class size will be limited to 20. For developmental courses (e.g. co-requisite, ALP courses in English and reading) the class size will be limited to 10. The class size for lecture courses will generally not exceed 30. Science and computer classes will be limited to the equipment available to accommodate students. Overloading, in the context of the classroom, occurs when there are too many students for the classroom space, needed lab equipment such as microscopes and computers, or for other educational considerations that directly impact instructional outcomes. An overloaded class shall be addressed by leveling (putting some of the students in smaller sections), splitting (creating a new section of the class), or other pedagogically sound methods.

- 2.6.16 **Distance Learning–Courses** - Internet courses may be counted the same as a classroom course for the purpose of determining faculty-teaching load. Instructors with fewer than 10 Internet students per course section will be compensated at a rate of \$210 per student until the maximum of \$2,100 is reached. Maximum enrollment in a specific section of an Internet course is the same as in person lecture courses.

NOTE: Full compensation per semester credit hour of instruction is \$700 for a minimum of 10 students per class. Pro-rated compensation for a class of fewer than 10 is calculated at the rate of \$210 per student.

- 2.7 **Evaluation of Faculty** - Each faculty member is evaluated annually. Evaluations of the faculty are conducted by the administration and by the students to identify strengths of the faculty for reinforcement and to identify areas that may need improvement. Peer evaluation and self-evaluation are encouraged as evaluation methods. The objective of faculty evaluation is to maintain the best instructional environment possible.

The College evaluates fulltime and adjunct faculty teaching face-to-face courses using the following procedure. (Concurrent Credit Instructors should refer to the Concurrent Credit Faculty Handbook for evaluation procedure).

The Annual Review Process for Face-to-Face faculty includes:

- Direct Observation by the Division Dean or Coordinator, as designated
- Student Evaluation of Instruction
- An Evaluation Conference, which includes the establishment of personal and professional goals with the faculty member.

The Annual Review Process for online faculty includes:

- Observation of the online environment via meeting with the V.P. Academic Affairs, Academic Dean, or Coordinator, as designated annually.
- Review of course content, learning outcomes, organization, and presentation in Moodle. (Internet Instructor Evaluation Tool Part A).
- Peer Evaluation (Moodle)
- Student evaluation of online instruction. (Embedded in online course)
- Evaluation conference (online or face-to-face) which includes the establishment of personal and professional goals.
- Review the instructor/student interactions as detailed in Part B of the Internet Instructor Evaluation Tool.
- Student Evaluation of Concurrent Enrollment instruction

- 2.7.1 **Direct Observation of the course and/or learning environment by the Division Dean or Coordinator-** The Academic Dean or Coordinator observes instructors and/or the online learning environment annually, by appointment. The Academic Dean or Coordinator observes new instructors, full-time and adjunct, within the first month of instruction. A scored evaluation tool, using a Likert Scale, is completed by the Academic Dean or Coordinator for documentation purposes. The Academic Dean or Coordinator provides the instructor with feedback following the observation—either immediately on-site, online, or by appointment at a later date. A copy of the Departmental rating of faculty is forwarded to the Vice President for Academic Affairs.
- 2.7.2 **Student Evaluation of Instruction-** Student evaluation of instruction is conducted and coordinated with the direct observation of instructors or the instructor with feedback following the observation—either immediately on-site, online, or by appointment at a later date. A copy of the Departmental rating of faculty is forwarded to the Vice President for Academic Affairs.
- 2.7.3 **Annual Evaluation Conference-** The Academic Dean or Coordinator schedule an annual evaluation conference with each full-time and adjunct faculty member. Conferences for online faculty may be conducted and documented through online chats. During this conference, results of student and coordinator observations are discussed. The Student Evaluation of Instruction and Classroom Observation are used by the College to validate instructor performance and provide documentation for consideration, merit and/or contract renewal.

If complaints focusing on course content, instructor behavior, or language proficiency are received at any time during the semester, the Academic Dean and/or the VP for Academic Affairs conduct an immediate investigation. Documentation gathered may be considered in determining instructor contract renewal and/or disciplinary action. The VP for Academic Affairs may be notified and choose to participate in the counseling and the determination of an appropriate plan of action. Information is shared with the President as warranted.

- 2.7.4 **Dismissal/Non-reappointment of Faculty-** The Faculty Letter of Appointment takes precedence over any agreement or contracts made prior to the date of the Letter of Appointment and may be terminated at any time.

Arkansas is an “at will” state.

Causes for dismissal or non-reappointment of faculty may be, but are not limited to the following:

- willful violation of a State or Federal law,
- use of alcohol during working hours,
- drug abuse,
- felony admission and/or conviction,
- inability to satisfactorily perform assigned duties and responsibilities,
- failure to follow and adhere to college policies,
- neglect of duties,

- insubordination,
- failure to follow the chain of command/organizational chart,
- failure to keep current and maintain competency in one's field,
- general inaccuracy,
- dishonesty,
- misconduct that negatively affects College operations or reputation.

In the event of dismissal/non-reappointment, faculty will be notified as soon as possible. The Board may also elect to close a program with low enrollment. In these cases, the employee will be advised of the intent to close the program as soon as possible.

2.8 **Faculty Leave –**

2.8.1 **Absence for Illness and Vacation**

2.8.1.1 **Sick Leave** - See *General Employment Considerations* section 1.19.1. concerning Sick Leave Guidelines.

2.8.1.2 **Vacation** – Only full-time 12-month faculty members accrue annual leave. See current Faculty Calendar for specified contract days and recesses.

2.8.1.3 **Faculty Personal Day** (9-month faculty only) - See **General Employment Considerations** section 1.19.1. Sick Leave for guidelines.

2.8.1.5 **Child Education Activity Leave (CEAL)** - See **General Employment Considerations** section 1.19.2 concerning CEAL for guidelines.

2.9 **Faculty Responsibilities** –The College is committed to understanding and improving the learning opportunities and environments provided to our students. Faculty must be able to document the relationship between assessment of and improvement in student learning. As evidence of teaching effectiveness and student academic achievement, the faculty are required to participate in assessment activities. These responsibilities include, but are not limited to engaging an individual course, program and institutional assessment activities. The Assessment Team directs all assessment activities.

- 2.10 **Recognition of Academic Freedom-** In the development of knowledge, research endeavors, and creative activities, faculty and students must be free to cultivate a spirit of inquiry and scholarly criticism. They must be able to examine ideas in an atmosphere of freedom and confidence and to participate as responsible citizens in community affairs. Academic freedoms must be subject to the self-restraints imposed by good judgment. The faculty member must fulfill his/her responsibilities to society and to the profession by manifesting academic competence, scholarly discretion, and good judgment. The principle of academic freedom will not protect an incompetent or negligent faculty member, nor will it prevent the institution from making proper efforts to evaluate the work of each professional staff member. Faculty members are expected to recognize that accuracy, forthrightness, integrity, dignity, and civility befit their association with the college and their position as men and women of learning. No staff member shall represent Southeast Arkansas College without authorization.
- 2.10.1 **Teaching Effectiveness** - Faculty must always be well prepared, start and end all scheduled classes on time, and deliver quality instruction in each class assigned, , engage in professional development each year, and remain current in their discipline.
- 2.10.2 **Academic Advising** - The faculty is responsible for the academic advising, academic planning, registration, and orientation of students. All faculty will post and keep a minimum of 10 office hours per week. The faculty will assist in the selection of appropriate placement in courses and will offer needed counsel. The faculty are required to monitor student advising responsibilities in WebAdvisor.
- 2.10.3 A course/departmental syllabus is required for each course. These syllabi will be produced using the Simple Syllabus software adopted by the College. Faculty members will be responsible for completing the required sections of the syllabus and submitting those prior to the beginning of classes each semester to their department chair for approval and publication to Moodle.

Department Chairs, Academic Deans and VPAA will verify that syllabi are posted on Moodle, contain all required information and are available to students. This departmental syllabus is to be used as the common syllabus by all instructors who teach a given course.

- 2.10.4 **Assignment of Grades:** All instructors are required to use MOODLE Gradebook as their official gradebook for all courses, both on-campus and on-line. Instruction will be provided in the use of the gradebook feature. Mid-term and Final grades are required to be posted through WebAdvisor by the time designated by the Registrar's Office at the end of the semester. Student grade reports are available online through WebAdvisor at the end of the semester. Failing to comply with deadlines for posting grades may result in the holding of pay until required information is submitted.

Instructors are expected to use good judgment and fair methods in determining grades and must communicate to their classes the basis for grading, standards of attendance, and the nature of assignments.

Letter grades granted by the College are explained in the catalog. Grades cannot be sent or posted through e-mail. Grades cannot be posted by personally identifiable information, such as social security numbers or ID numbers, so that no student's rights are violated as specified in the Family Education Rights and Privacy Act (the Buckley Amendment).

Incomplete grades (I) cannot be given without completing the Incomplete Grade Contract, see website under [Admission Apply Now](#) prior to the end of the term. Incomplete grades must be completed by the date agreed upon in the contract or a grade of "F" must be recorded.

- 2.10.5 **Class Attendance and Reporting Policy:** Each faculty member has the prerogative of setting specific attendance requirements for their individual classes. In some courses, active student participation is an integral part of the course, and the instructor may base a portion of the students' grades on attendance and participation. In general, students are expected to attend class regularly. Students who miss class are responsible for finding out about the material covered, homework assignments, and any announcements or examinations. Make up work policies are at the discretion of the instructor and based on her/his published policy in the course syllabus.

On the census day (usually the 11th day of classes), students who have not attended class will be administratively withdrawn based on the reporting done on verification rosters. Faculty are expected to keep and report attendance records through the census day (11th day) in order to accurately report attendance on the verification rosters. Students may be administratively withdrawn from a class by the instructor for excessive absences during the semester, at the discretion of the individual instructor and consistent with the instructor's course policy published in the course syllabus.

- 2.10.6 **Selection of Textbooks** – Prior to selection of textbooks, faculty members should discuss textbooks with their Academic Dean and the Vice President for Academic Affairs, in order to improve book selection or to override adoption policies. A single required set of textbooks must be approved for use in all course sections. If faculty and Academic Dean cannot decide, the Vice President for Academic Affairs will break the tie.

Textbooks are adopted annually during the spring semester in order to be used in the fall semester. Changes cannot be made in the middle of a school year. When textbooks are adopted it should be for 2-year periods unless the technology or research makes them obsolete. Faculty will be encouraged to adopt free/open source electronic books when possible.

Adjunct instructors will use and place on the syllabus, the same textbooks that are adopted by full-time faculty.

If a text is listed as required on the syllabus, it has been stocked in the bookstore at the instructors' or departments' request and must be purchased and used

- 2.10.7 **Student Discipline** – Students whose behavior is outside the acceptable limits of normal classroom decorum may be asked to leave the class and the matter documented and reported to the Vice President for Student Affairs immediately. If the student does not comply with the instructor's request to leave the classroom, Campus Security should be called at (870-557-4211) or Extension 4911. Students should not be arbitrarily, permanently suspended by the instructor from the class until they have spoken to the Vice President for Student Affairs.

If a student is suspected of unlawfully possessing a weapon, or is under the influence of drugs or alcohol, and/or any imminent danger exists, Call 911. If there is no imminent danger, notify Campus Security. Staff members are not allowed to search students or their personal property. Law enforcement authorities may be notified, and written documentation of the incident will be prepared.

- 2.10.8 **Classroom Care and Maintenance** - Instructors are often required to share classroom space. Classrooms and work-areas should be left in a good and organized condition. Whiteboards should be erased and lights should be turned off when the room is not in use. Eating, drinking, smoking, and the use of any other form of tobacco, electronic cigarette or vaping devices are not allowed in classrooms. Technology equipment should be turned off at completion of the class.

- 2.10.9 **Responsibilities for Departmental Equipment** - Each department is charged with proper maintenance and will be held accountable for equipment purchased and issued to the instructor's department. This equipment must be inventoried annually and must also be inventoried upon the termination or exit of an instructor. Any suspected theft or inventory discrepancy should be reported to the Business Office.

No equipment is to be removed from the College campus without the written permission of a Vice President or the President or their designee. A [Removal of Inventory Form](#) is to be completed whenever equipment is moved from one location to another and turned into the Director of Physical Plant.

- 2.10.10 **Performance of Other Duties** – From time to time the faculty may be called upon to work on projects and activities other than their teaching assignments. Such activities may include recruiting and advising students, serving on faculty committees, and performing other duties in College-related functions.

2.10.11 **Intellectual Property** - The following policy language was taken in part from the Intellectual Property definitions and guidance from the American Association of University Professors (AAUP). Southeast Arkansas College believes that the public interest is best served by creating an intellectual environment whereby creative efforts and innovations can be encouraged and rewarded, while still retaining for the College and its learning communities' reasonable access to, and use of, the intellectual property for whose creation the College has provided assistance. The College supports the development, production, and dissemination of intellectual property by its faculty members.

What is Intellectual Property?

Although the law provides for several different types of Intellectual Property, faculty concerns center on two: copyrights and patents. The following definitions are taken from pertinent federal statutes:

- When used in this policy the term "Copyright" shall be understood to mean that bundle of rights that protect original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.
- "Works of authorship" (including computer programs) include but are not limited to the following: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works (photographs, prints, diagrams, models, and technical drawings); motion pictures and other audiovisual works; sound recordings; and architectural works.
- "Tangible media" include, but are not limited to, books, periodicals, manuscripts, phone records, films, tapes, and disks.
- When used in this policy, the term "Patent" shall be understood to mean that bundle of rights that protect inventions or discoveries which constitute any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof; new and ornamental designs for any useful article and plant patents being for the asexual reproduction of a distinct variety of plant, including cultivated sprouts, mutants, hybrids, and new found seedlings, other than a tuber propagated plant or plant found in an uncultivated state.

Material created for ordinary teaching use in the classroom or online and in department programs, such as syllabi, assignments, and tests, shall remain the property of the faculty author, but the College shall be permitted to use such material for internal instructional, educational, and administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions.

2.11 **Policies and Regulations –**

- 2.11.1 **Independent Study Policy** – Independent Study Courses are College courses whose objectives can be appropriately and effectively achieved on an independent study basis.

Courses which require lab, clinical or other supervised work experience are generally not deemed suitable for independent study. Students seeking to take a course by independent study must obtain the approval of his/her instructor, advisor, department chair, and the Vice President of Academic Affairs. See College Website [Admission Apply Now](#) for Independent Study Request Form.

- 2.11.2 **Approval of Field Trips** - Field trips should be approved by the administration one week in advance of the trip, when possible. If transportation is required, the Director of Physical Plant should be contacted two weeks in advance, when possible. Field trips (transporting or requiring students to participate) for a campus sponsored activity are scheduled by using the appropriate form available from the Academic Dean / Chairs / Coordinators. See [Travel Assumption of Risk & Release of Liability Form](#) under Faculty & Staff Handbook

3. Staff Employment Issues

This section pertains to 12-month classified staff, non-classified, 10- and 12-month faculty. The ADHE Pay Plan sets salaries for classified positions. The current pay plan is included in Act 763 of 2019 Uniform Classification and Compensation Act.

- 3.1 **Employment of Classified Personnel** - Classified personnel shall meet the eligibility requirements of the Arkansas Department of Higher Education. The administrator under whom the classified person will work shall appoint a search committee to interview the prospective applicants and make recommendations to the College President for final approval, without verification by the Board. The College President will advise the Board of any personnel changes at the next Board meeting. Part-time classified employees will be hired using the same process as used to hire classified personnel.
- 3.2 **Employment of Non-Classified Staff** - This classification of employee is typically an administrator or professional staff. The selection of this employee is accomplished through a committee interview.
- 3.3 **Attendance** - Classified employees are expected to work an 8-hour day and a 40- hour week. If an employee must be absent or late for any reason, he/she should contact the immediate supervisor or designee the night before, if possible, or before 7:30 a.m. Violation of the attendance policy involving unscheduled absence or tardiness for whatever reason and absences or tardiness that exhibits a pattern, including excessiveness in either case, will result in disciplinary action and possible termination.

The lunch period should not be included in the number of hours worked. All classified employees are expected to work an 8-hour day and a 40-hour hour work week. Normal work schedules are 8 am to 5 p.m. Any deviation from this schedule should be pre-approved through the department supervisor. All full-time employees are required to take a lunch break.

- 3.4 **Overtime Work, Overtime Pay and Compensatory Time-Off** - The State of Arkansas has declared that overtime pay for state employees is the least desirable method of compensation of overtime work. Consequently, the College does not utilize overtime pay as a method of compensation. Non-exempt employees, which include the classified support staff of the College, are eligible for compensatory time. Exempt, classified employees do not earn Compensatory time. Compensatory time is defined as time earned for work performed in excess of forty (40) hours in the workweek. Compensatory time may not be earned in less than fifteen (15) minute increments. All employees performing qualifying non-exempt work within a workweek accrue compensatory time at a rate of one and one half (1 ½) times the number of hours worked in excess of 40 hours. Non-exempt employees are eligible for compensatory time in lieu of overtime payment. Further, it is held to be the policy of the State of Arkansas that any overtime work necessary to the continued effective

operations of the state shall be managed in the most efficient and economic manner possible.

All overtime work for compensatory time must be approved in advance and in writing by the appropriate senior administrative official of the College. When possible, the practice of temporarily altering the employee's regular work schedule to provide equivalent time off within a workweek is preferable to compensatory time. A workweek is defined to be between 12:00 a.m. Sunday morning and 11:59 p.m. Saturday night. If an employee has a balance of Compensatory time, it must be used prior to using annual leave.

3.6 **Sick Leave Policy** - See General Employment Considerations section 1.19.1 for guidelines regarding sick leave.

3.6.1 **Vacation (Annual Leave)** – This policy applies to all employees are eligible for annual leave. Vacation periods must be scheduled at the convenience of the College. There may be blackout times that vacation leave may not be taken. Vacations must be scheduled at least five working days before the vacation is to begin. Failure to properly schedule vacations may result in the request being denied. Employees must have annual leave approved verbally by their supervisor before submitting in Paycom. If unauthorized leave is taken, leave without pay is in effect. This is the accrual schedule:

0 - 3	years service	8 hours per month
4 - 5	years service	10 hours per month
6 - 12	years service	12 hours per month
13 – 20	years service	14 hours per month
Over 20	years service	15 hours per month

Annual leave is cumulative; however, no more than 240 hours annual leave shall be carried forward to any new calendar year.

When an employee leaves the institution due to resignation, retirement, or termination, the unused annual leave, subject to approval, may be liquidated by a lump-sum payment not to exceed 30 working days. Unused accumulated annual leave of a deceased employee will be payable to either the estate of the deceased or an individual authorized to receive the payment.

3.7 **Career Service Recognition Payments** - Employees of Southeast Arkansas College and non-faculty employees shall become eligible for annual career service recognition payments upon completion of ten (10) or more years of State service in either elected positions or classified or non-classified regular full-time position or positions.

3.7.1 **Years of Service Annual Payment –**

10 through 14 years	of State service	\$800
15 through 19 years	of State service	\$1000
20 through 24 years	of State service	\$1200
25 or more years	of State service	\$1500

Employees become eligible to receive career service recognition payments on their career service credit date. Employees who have received career service payments in previous biennium shall receive payments on their career service credit date or their increase eligibility date, whichever occurs first within the fiscal year. Payments to eligible employees shall be made on the second payroll of the anniversary month.

3.8 **Evaluation** - The employee's immediate supervisor shall make an annual evaluation of the services of each employee. The evaluation shall be made in writing on a standard form provided by the Human Resources Office and shall include an examination of personnel relationships, job competency, performance of assigned tasks, work, and personal habits. The supervisor shall discuss the evaluation with the employee and shall state to the employee the criteria used in the evaluation. This evaluation shall be done in June. The evaluation shall be submitted to the employee and to the Human Resource Office for placement in the employee's permanent record. Should the employee wish to have a review of the evaluation, a request in writing should be made to the President.

4. Federal Policies and Employee Rights

4.1 Title IX Policy

POLICY STATEMENT

No person at Southeast Arkansas College (aka “SEARK”, “the College”) will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment or sexual misconduct under any education program or activity.

INTRODUCTION

Members of the college community, guests and visitors have the right to be free from sexual discrimination, harassment or violence, which means that all members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Southeast Arkansas College believes in a zero-tolerance policy for sex-based misconduct.

When an allegation of misconduct is brought to an appropriate administrator’s attention, and a Respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The policy and procedures are intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

JURISDICTION

Title IX protects the college community from sexual harassment in a school’s educational programs and activities. This means that Title IX protects students in connection with all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school’s facilities, in college transportation, at a class or training program sponsored by the school at another location, or elsewhere.

DEFINITION OF TERMS

Complainant: Any party who makes a complaint/grievance against another student, employee, staff member or campus visitor.

Respondent: The person(s) against whom a complaint has been made.

Definition of Status: All employees (both full-time and part-time) and students are under the protection of Title IX. A full-time employee will be considered as an employee, regardless of student status. A student who is a part-time employee will be considered a student unless the incident under consideration occurred in connection with employment. Allegations of sex discrimination or sexual harassment may require the College to take measures applicable to both students and employees.

Discrimination (general definition): Actions that deprive members of the community of educational or employment access, benefits or opportunities. Any distinction, preference, advantage for, or detriment to an individual compared to others that is based upon an individual's actual or perceived sex, age, race, color, creed, religion, ancestry, national or ethnic origin, sexual orientation, sex identity, disability, genetic information, military status, veteran status, or familial status that is so severe or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities. There can be no discrimination related to pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery.

Discriminatory Harassment: Detrimental action based on an individual's actual or perceived sex, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that is so severe or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, sex-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Sexual Harassment: Sexual Harassment is unwelcome, sex-based spoken, written or symbolic action or physical conduct of a sexual nature that is sufficiently severe or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the college's educational programs. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, such as sexual assault or sexual violence.

The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to

repeatedly subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; and sex-based bullying.

Hostile Environment: Any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged Complainant's) and an objective (reasonable person's) viewpoint.

Quid Pro Quo Sexual Harassment: Exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action. This is also quid pro quo if there are inducements or rewards offered to the Complainant for acceptance of the unwelcome sexual advances or request for sexual favors.

Retaliatory Harassment: Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.

Sexual Harassment of a Student by Another Student: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

Sexual Harassment of a Faculty/Staff Member by a Student/Another Employee/Third Party Vendor/Campus Visitor: Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits.

Sexual Harassment of a Student by a Faculty/Staff Member/Third Party Vendor/Campus Visitor: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty or staff member, campus visitor, or vendor/third party contractor, toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or

- Such conduct is so severe or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the Complainant to be defined as harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.

Intercourse includes:

- vaginal penetration by a penis, object, tongue or finger;
- anal penetration by a penis, object, tongue, or finger;
- oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual video or audiotaping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI (sexually transmitted infection) or HIV to another person; or
- exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals.

Sexually based stalking and/or bullying may also be forms of sexual exploitation.

Consent: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- To give effective consent, one must be at least 16 years old.
- Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (to understand the “who, what, when, where, why or how” of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another

person is a violation of this policy. More information on these drugs can be found at <https://www.medlineplus.gov/clubdrugs.html> or <https://www.womenshealth.gov/a-z-topics/date-rape-drugs>.

- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent. For example: “Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want to engage in sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

Domestic Violence: A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or sex. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Domestic Violence Complainants by Arkansas Law are defined as “family or household members.” Arkansas defines “family or household members” as current or former spouses; parents and children; persons related by blood; a child living in the household; persons who currently or previously lived together; people who have a child together; and persons who currently or formerly were in a dating relationship.

Dating Violence: A pattern of assaultive and controlling behaviors that one person uses against another to gain or maintain power and control in the relationship. It is physical, sexual, or psychological/emotional violence within a dating relationship and can occur in person or electronically by a current or former dating partner. Other terms used include relationship abuse, intimate partner violence, relationship violence, dating abuse, domestic abuse, domestic violence, and

stalking.

Stalking: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others and/or suffer substantial emotional distress.

Sex Identity: Refers to one's sense of oneself as male, female or transgender. When one's sex identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category.

Sexual Orientation: Refers to the sex of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex (gay men or lesbians), attraction to members of the other sex (heterosexuals), and attraction to members of both sexes (bisexuals). While these categories continue to be widely used, research has suggested that sexual orientation does not always appear in such definable categories and instead occurs on a continuum.

POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The College does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the College. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships are required to bring those relationships to the timely attention of their supervisors.

This will likely result in the necessity to remove the employee from the supervisory or evaluative

responsibilities; or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

RESPONSIBILITY TO REPORT

Any student or visitor to the campus who has experienced or witnessed sexual harassment is strongly encouraged to report it. Any faculty member, staff member or administrator who has witnessed sexual harassment must report it. In order to maintain a safe environment, the College must know about incidents of sexual harassment in order to stop them, protect Complainants, and prevent future incidents.

It is the mandated responsibility of college faculty, staff, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally and/or institutionally recognized professional confidentiality between the Complainant and the person to whom the harassment is reported, the report may be withheld at the request of the Complainant.

CONFIDENTIALITY

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the College's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in maintaining the privacy of the parties involved. Because of the College's obligation to investigate allegations of misconduct, it is not possible to guarantee that complaints will be handled confidentially.

Except as compelled by law, in the interest of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures will be limited to the immediate parties, witnesses and other appropriate administrative officials. Disclosure may also be necessary to conduct a full and impartial investigation.

ADVOCATES

Anyone who has a concern may contact an Advocate of their choice. The Advocate will listen and explain options available while providing support.

It is the Complainant's decision to report an incident to the College or to law enforcement. Although rare, there are times when the College may not be able to honor the Complainant's request for confidentiality. If a Complainant discloses an incident to an Advocate but wishes that no investigation into the incident be conducted or disciplinary action taken, the Advocate must weigh that request against the College's obligation to provide a safe environment for everyone, including the Complainant.

AMNESTY

SEARK recognizes that an individual who has been drinking, using drugs, or engaging in other nonviolent offenses/behavior at the time of an incident may be hesitant to make a report because of potential consequences for his/her own conduct. An individual who reports sexual misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

COMPLAINT/GRIEVANCE PROCEDURE

These procedures are intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. These procedures may also be applicable in employee civil rights grievances against other employees. All other grievances by students against students or employees will be addressed through other conduct procedures.

The College benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the college community.

Notification

Students or visitors to the College are strongly encouraged and faculty members, administrators, staff members are mandated to report allegations of discrimination or harassment to a member of the Title IX Team. A report of sex discrimination or harassment should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate.

A person who raises a complaint may discuss any situation believed to constitute sex discrimination or sexual harassment with any member of the Title IX Team. Reports may be made by the person experiencing the discrimination or harassment or by a third party, such as a witness or someone who is told of the discrimination or harassment.

Upon receipt of a complaint/grievance, the Title IX Team will meet to review the information presented and to determine the appropriate course of action. The Title IX Team consists of:

Title IX Team (effective July 2019):

Title IX Compliance Officers

Rebecca Monk (Coordinator)
Human Resource Specialist
Business Services Building, Office 172
870-543-5959
rmonk@seark.edu

Gene White (Investigations)
Director of Retention & Advising
Student Services Building, Suite 160
870-543-5949
gwhite@seark.edu

LaWanda Smith (Hearings/Appeals)
Fiscal Support Analyst
The Welcome Center, Office 846
870-850-4910
lsmith@seark.edu

The Title IX Team will meet to review the information presented and to determine the appropriate course of action. Possible solutions may include an informal administrative process, an educational conversation, educational sanctions and/or disciplinary actions, separating the parties involved (i.e. class changes, work changes, etc.), or other determined best practices.

If it is determined that a formal investigation is warranted, the appropriate Compliance Officer will convene an investigation team and will assign 1-3 members of the Investigation and Hearing Board to conduct the investigation. The Investigation Board and Hearing Board are initially comprised of the three designated Compliance Officers but can be added to on an ad hoc basis with appropriately trained administrative staff as the situation demands. The Title IX Coordinator will determine appropriate accommodations for the Complainant or other necessary remedial short-term actions. In any complaint, the appropriate Compliance Officer will play a role in the investigation of the incident and in the enforcement of sanctions, if any. The Title IX Coordinator will apprise the Vice President for the appropriate division of the grievance, or if the grievance is against a student, the Vice President of Student Services.

Investigation

1. The Investigation will:
 - Be staffed with the appropriately trained Compliance Officers or other Title IX trained faculty/staff and administrators as designated by the Compliance Officers (“designee”);
 - Identify the policies allegedly violated;
 - Meet with the Complainant to finalize the grievance;
 - Prepare the notice of charges based on initial investigation;

- Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the Respondent;
- Conduct a thorough, reliable and impartial investigation. Witnesses may or may not be given notice prior to the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding on the case, based on a preponderance of the evidence which indicates that a policy violation has or has not occurred; and
- Prepare a complete report on the investigation and its findings to be presented to the Title IX Coordinator.

The Title IX Coordinator or designee will:

- Present the findings to the individual(s) alleged to have committed discrimination or harassment, who may accept the findings, accept the findings in part and reject the findings in part, or may reject all findings;
 - Share the findings and the outcome with the Complainant.
2. If the findings indicate that the alleged discrimination or harassment has not occurred, the investigation should be closed. The Complainant who filed a complaint may request from the Title IX Coordinator an extraordinary decision to refer the complaint to a hearing. A hearing will only be granted by the Coordinator in exceptional circumstances.
 3. Where the findings indicate that the alleged discrimination or harassment has occurred, and the Respondent(s) accept(s) the findings that s/he violated college policy, an appropriate sanction will be imposed. If the complaint is against a student, the sanction will be determined by the Vice President of Student Services in consultation with the Compliance Officer. If the complaint is against a SEARK employee, the Vice President for the appropriate division in consultation with Human Resources and the Dean or Director of the appropriate division will determine the sanction. SEARK will act to end the discrimination, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the SEARK community.
 4. Following the investigation, the Title IX Coordinator will distribute a written Letter of Determination to the affected parties.

Hearing

1. If the individual(s) alleged to have committed discrimination or harassment rejects the investigation findings in part or entirely, the Title IX Coordinator will convene a hearing to discuss the contested aspects of the formal complaint. Three members of the Hearing Board pool will be selected for the Hearing Board. At the hearing, the findings of the investigation will be admitted, and the Investigation Team may give evidence. However, the Hearing Board is not bound by the finding(s) of the Investigation Team. The hearing will determine whether it is more likely than not that a violation of policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

Prior to the Hearing

The Title IX Coordinator will select the hearing board members and provide the investigation report to them for their preparation.

No later than five (5) business days before the hearing, the following should occur:

- The Title IX Coordinator will notify the Complainant and the Respondent of the date, time and place of the hearing and the time that each party should appear;
- The Complainant will notify the Title IX Coordinator if he/she will be accompanied by an attorney or other advocate; and
- The Respondent will notify the Title IX Coordinator if he/she will be accompanied by an attorney or other advocate.

No later than three (3) business days prior to the hearing, the following should occur:

- The hearing board members will study the investigation report and determine what witnesses they wish to interview;
- The Complainant and the Respondent will have the opportunity to study the investigation report;
- The Complainant and the Respondent will provide the Title IX Coordinator with the names and contact information of any witnesses they wish to have the Hearing Board interview;
- The Title IX Coordinator or designee will notify the witnesses that the board wishes to interview them at the date and time designated;
- The parties will be informed of the names of the witnesses to be called, unless there is a compelling safety reason for nondisclosure;
- The Complainant and the Respondent will provide any documents they wish to make available to the Hearing Board and;

- The Complainant and the Respondent may submit questions to the Title IX Coordinator that they would like for the Hearing Board to ask. Please note that the Hearing Board is under no obligation to ask those questions during the hearing if they are deemed by the Board to be inappropriate or irrelevant.

No later than two (2) business days prior to the hearing, any participant in the hearing who requires special accommodations should notify the Coordinator or designee.

At the Hearing

The Title IX Coordinator or designee will chair the hearing and oversee the proceedings. The hearing may be recorded so that the proceedings may be reviewed in the event of an appeal.

The following parties may ask questions that are relevant to the complaint:

- The Title IX Coordinator or designee; and
- The Hearing Board members

The Complainant has the right to be interviewed without the Respondent present and vice versa. However, each party has the right to know the content of the statements of the other and to respond to them.

Both the Complainant and the Respondent will be given the opportunity to make a brief and relevant impact statement.

Witnesses will not be present during the testimony of any party or other witness. If a witness is unable to appear, a statement from the witness may be accepted into the record. Telephone, Skype or other technology may also be used for the convenience of the witness.

1. The Hearing Board may recall the Complainant, the Respondent, or witnesses if clarification is needed.
2. Following the hearing, the Hearing Board will go into closed session to deliberate and will notify the Title IX Coordinator or designee in writing of the finding.
3. If the Hearing Board determines a violation has occurred, it will recommend that sanctions for the violation be imposed. The Vice President for the appropriate division of the complaint, or if the complaint is against a student, the Vice President of Student Services, will impose appropriate sanctions for the violation, after consultation with the Dean or Director of the appropriate division and the Coordinator. SEARK will act to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the SEARK community.

If the Hearing Board determines that no violation has occurred, the case will be closed.

4. Within ten (10) business days, the Title IX Coordinator or designee will notify both parties in writing of the determination by the Hearing Board by sending a second Letter of Determination to them.

Appeals

a. Appeals Following an Investigation

In cases where the Respondent(s) accepted the findings of discrimination or harassment after the investigation, those findings cannot be appealed. Although the findings cannot be appealed, the sanctions that have been imposed post-investigation can be appealed by any party according to the grounds below by contacting the Title IX Coordinator within five (5) business days following receipt of the written Letter of Determination.

b. Appeals Following a Hearing

After the hearing, either the Complainant(s) or Respondent(s) may appeal the findings and/or sanctions only under the grounds described below. All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be submitted to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. If the Complainant or Respondent rejects the findings in part or in their entirety, he/she may seek an appeal by contacting the Title IX Coordinator within five (5) business days following receipt of the written Letter of Determination.

Appeal Procedures

Any party who files an appeal must do so in writing to the Title IX Coordinator. Acceptable means of notification include email, facsimile, hand delivered notification, or postal delivery. The Title IX Coordinator will share the appeal with the Title IX Team, who will accept or deny the appeal based on the evidence provided (see criteria below).

If the appeal is accepted, it will be shared with other concerned parties. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final.

Because the original finding and sanction are presumed to have been decided reasonably and appropriately, the party requesting an appeal must show error. The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

2. New evidence has been found, which was unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

If the Title IX Team determines that a material procedural or substantive error occurred, the Title IX Coordinator may return the grievance to the Investigation and Hearing Boards with instructions to reconvene to correct the error. In rare cases, where the procedural or substantive error cannot be corrected by the Investigation and Hearing Boards (as in cases of bias), the Title IX Coordinator may, upon advice from the Title IX Team, order a new investigation and/or hearing on the complaint with new members from the Investigation and Hearing Board. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeals.

If the Title IX Team determines that new evidence should be considered, the grievance will be returned to the Investigation and Hearing Board to reconsider **only** the new evidence. The reconsideration of the Investigation and Hearing Board is not appealable.

If the Title IX Team determines that the sanctions imposed appear to be disproportionate to the severity of the violation, the Title IX Coordinator will refer the complaint to a board composed of three (3) cabinet officers, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The appeal procedure and determination will typically be completed within 20 business days. The procedures governing the hearing of appeals include the following:

- Sanctions imposed are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- The appeal will be returned to the original hearing body unless bias has been determined;
- Appeals are not intended to be a full rehearing of the complaint, except for substantiated cases of bias. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;

- The Chair of the Investigation and Hearing Boards will render a written decision on the appeal to all parties within seven (7) business days, or as soon as possible thereafter from hearing of the appeal.

COMPLAINT AND GRIEVANCE PROCESS PROVISIONS

Time Periods

All effort will be made to render a determination in no more than 60 calendar days of filing a formal complaint/grievance.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and SEARK closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. If this step is necessary, the Title IX Compliance Officer or his or her respective deputies will notify the Complainant who filed the grievance in writing within the set timeline.

No Retaliation

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited by SEARK policy and federal and state law. A person who believes retaliation has occurred should notify a Title IX Compliance Officer as soon as possible.

False Reports

SEARK will not tolerate intentional false reporting of incidents. It is a violation of the *Codes of Conduct* governing the College to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Office of Civil Rights Complaint

Although reporting parties are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Kansas City Office). Information regarding applicable timelines and procedures is available from OCR.

Notice That Cases Will Not Be Re-Heard

Absent new evidence, SEARK will not re-hear a complaint if the same complaint allegations have been filed by the Complainant against the same Respondent with another civil rights enforcement agency of the federal, state or local government or through SEARK's internal complaint procedures, including due process proceedings.

Effective Date

This Complaint and Grievance Policy will be effective upon formal adoption. SEARK reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

STATEMENT OF THE RIGHTS OF COMPLAINANT

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the Complainant's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the Complainant as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the Complainant.
- The right not to be discouraged by college officials from reporting an assault to both on-campus and off-campus authorities;
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the Complainant so chooses. This also includes the right not to report, if this is the Complainant's desire;
- The right to be notified of available counseling, mental health, and/or student services for Complainants of sexual assault, both on campus and in the community;
- The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the Complainant. No formal complaint, or investigation, campus or criminal, need occur before this option is available. Accommodations may include:
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options;
 - Alternative work assignments and/or supervisory changes.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right ***not*** to have any complaint of sexual assault mediated (as opposed to adjudicated);
- The right to make a Complainant-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to a campus no contact order against another person who has engaged in or threatens

to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others;

- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction, in accordance with the standards for appeal established by the institution;
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused Respondent for compelling safety reasons (this does not include the name of the alleged Complainant/Complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right for the process to be conducted in a manner that is not open to the public;
- The right to petition that any member of the Investigation or Hearing Board be removed because of demonstrated bias;
- The right to give testimony in a campus hearing by means other than being in the same room with the Respondent;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- The right to be present for all testimony given and evidence presented before the conduct body;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
- The right to Compliance Officers comprised of representatives of both sexes;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint;
- The right to a fundamentally fair hearing, as defined by these procedures;
- The right not to have released to the public any personally identifiable information about the Complainant, without consent;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

STATEMENT OF THE RIGHTS OF RESPONDENT/ACCUSED PARTY

- The right to be treated with respect by college officials;
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the Respondent;
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the Respondent's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the Respondent as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the Respondent.
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing;
- The right to be informed of available counseling, mental health, and/or student services, both on campus and in the community;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials;
- The right to appeal the finding and sanction, in accordance with the standards for appeal established by the institution;
- The right to review the Complainant's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law;
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the Respondent for compelling safety reasons (this does not include the name of the alleged Complainant/complainant, which will always be revealed);
- The right to preservation of privacy, to the extent possible and allowed by law;
- The right for the process to be conducted in a manner that is not open to the public;
- The right to petition that any member of the Investigation or Hearing Board be removed because of demonstrated bias;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training;

- The right to Compliance Officers comprised of representatives of both sexes;
- The right to have college policies and procedures followed without material deviation;
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- The right to a fundamentally fair hearing, as defined in these procedures;
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

Referral Services:

Following are the crisis services contacts we provide as referrals to students, faculty, staff and guests of Southeast Arkansas College:

Jefferson County Rape Crisis Hotline
(870) 541-5387 or (870) 541-7100

Southeast Arkansas Behavioral Healthcare
2500 Rike Drive
Pine Bluff, AR 71603
(870) 534-1834

New Hope Counseling
3006 S. Olive Street
Pine Bluff, AR 71603
(870) 534-8910

CASA Women's Shelter
(870) 535-0287

Pinnacle Point of Pine Bluff
109 Frankie Lane
White Hall, AR 71602
(870) 247-3588

National Sexual Assault Hotline
Free & Confidential 24/7
(800) 656-HOPE (800-656-4673)

4.4 **Rehabilitation Act of 1973**

Southeast Arkansas College does not discriminate in admission to, or access to, or treatment of, or employment in, its programs or activities on the basis of handicapped status. This commitment is made by the College and is in accordance with Section 504 of the Rehabilitation Act of 1973. Section 504 guidelines include the following:

1. The College must not exclude, on the basis of handicap, any qualified handicapped student from participation in any academic, research, occupational training, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education program.
2. The College must make modifications to academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped student.
3. The College must not impose upon handicapped student's rules, such as the prohibition of tape recorders in classrooms or dog guides in campus buildings that have the effect of limiting the participation of handicapped students in a program.
4. The College must provide methods of evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).
5. The College must take necessary steps to ensure that no handicapped student is denied access to a program because of the absence of educational auxiliary aids.
6. In providing financial assistance to qualified handicapped persons, the College may not, on the basis of handicap, provide less assistance than is provided to non-handicapped persons.

In providing personal, academic, or vocational counseling, guidance, or placement services to students, the College must provide these without discrimination on the basis of handicap.

4.5 **Family Educational Rights and Privacy Act**

It is the policy of the Southeast Arkansas College to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and to inform students of their rights under FERPA. The following notice of student rights under FERPA shall be given on an annual basis to students. A student at the Southeast Arkansas College has the following rights with regard to his or her education records:

1. To inspect and review all education records pertaining to him or her.
2. That the following information, which is considered to be directory information, will be subject to public disclosure unless the student informs the Registrar in writing before the end of the first week of classes each semester that he or she does not want any or all of these types of information designated as directory information:
 - student's name
 - major field of study
 - participation in officially recognized school activities
 - dates of attendance
 - degrees and awards received
 - the most recent school attended by the student.
3. To request the amendment of his or her education records to ensure that they are not inaccurate, misleading, or otherwise in violation of his or her privacy or other rights.
4. To consent to disclosure of personally identifiable information contained in his or her education records, except to the extent that FERPA authorized disclosure without consent.
5. To file a complaint with the U.S. Department of Education concerning the alleged failure by the College to comply with the requirements of FERPA.
6. To obtain a copy of the College's FERPA policy upon payment of a copying fee. See Website under Catalog [Privacy Rights Students](#) for FERPA Policy.

5. Emergency Policy and Procedures

5.1 Emergency Procedures – The following guidelines apply to emergency conditions on campus.

It is not possible to establish procedures for every type of emergency, but these guidelines cover many emergency or hazardous situations. Please review them frequently so that you will be prepared in an emergency. Everyone should sign on to E2 Campus to receive emergency notifications.

To Report an Emergency

- Call 870-557-4211 or Extension 4911 (Campus Security on duty) – Campus Security will notify Vice President for Student Affairs Office
- For Police, Fire, Ambulance call 911
- Be ready to provide type of emergency, location, phone number and your name
- Do not hang up until help arrives or until it is safe to do so

Active Shooter on Campus

- Call 911
- Call 870-557-4211 or Extension 4911 (Campus Security on duty)
- Lock down in place

In Case of Fire

- Fire Exits- A fire escape plan is posted in all buildings and on bulletin boards
- Activate fire alarms
- Notify students and visitors and leave the building by closest exit
- Do not use elevator
- Move away from the building and do not reenter until directed by police or fire department or college staff
- Call 911 then 870-557-4211

Medical Emergency

- Get help immediately
- Talk to injured person to see if medical assistance is required
- If the victim does not respond call 911 and 870-557-4211 or Extension 4911 (Campus Security on duty)
- Provide first aid assistance to responder's level of training
- Stay on the line until help arrives or it is safe to hang up
- Provide information to emergency personnel on phone and Campus Security.
- Campus Security will direct emergency services to the correct building and nearest entrance

Weather Related Emergency

- Seek shelter in buildings if necessary (bathrooms, hallways and away from windows)
- Take personal belongings with you and follow staff instructions if you are instructed to shelter in buildings
- Evacuate if instructed in a safe orderly manner

Bomb Threats

- Notify Campus Security at once
- Be as specific as possible when relaying what the caller said

Motor Vehicle Accidents on Campus

- Call Campus Security (870-557-4211) or Extension 4911

Accidents Without Injuries

- If an accident or other emergency occurs in the classroom lab, or shop, take appropriate actions in responding to the situation. Report the event and the actions taken to Campus Security as soon as possible

Emergency Evacuation

- Faculty members are responsible for checking rooms for remaining students before leaving themselves. Faculty members & Building Captains (Vice Presidents, Deans, Department Chairs or Directors) in each building should direct students to the nearest exit and should assist handicapped students.

5.2 **Policies**

5.2.1 **Accidents and Emergencies** - All accidents, emergencies and injuries occurring on campus or during a campus-sponsored activity must be reported to Campus Security at 4911. (See College Website - Worker's Compensation Forms under Faculty & Staff Handbook)

5.2.2 **Emergency Situations**

Tornado Alert Policy- In the event of a tornado warning, instruct all students to go into the halls, away from glass windows and doors.

Fire Exits- A fire escape plan is posted in all buildings and on bulletin boards

Bomb Threat- The fire escape route should be followed in the event of the evacuation of the building. Instructors should check to see that all students leave immediately and move away from the buildings.

Accidents Without Injuries - If an accident or other emergency occurs in the classroom lab, or shop, take appropriate actions in responding to the situation. Report the event and the actions taken to Campus Security as soon as possible.

5.2.3 **Emergency Evacuation** - In the event of fire, bomb threat or other emergency requiring evacuation of a building, faculty should ensure the orderly exit of all students immediately. Faculty members are responsible for checking rooms for remaining students before leaving themselves. Faculty members & Building Captains (Vice Presidents, Deans, Department Chairs or Directors) in each building should direct students to the nearest exit and should assist handicapped students.