



# University of Arkansas

RICH MOUNTAIN

## College Policy

*Effective September 2020*

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# INTRODUCTION

## History

Rich Mountain Community College came into existence as a result of Act 16 of 1983, (Arkansas Code, §6-61-700) enacted by the General Assembly of Arkansas and by an affirmative vote of the qualified electors of Polk County on April 12, 1983, to establish a community college district in Polk County Arkansas. (*State General provisions regarding establishment and governance of Community Colleges are contained in Arkansas Code, §6- 61- 5.*)

After nearly a one-year long process, on February 1, 2017, Rich Mountain Community College officially merged with and became a member campus of the University of Arkansas System. The Rich Mountain Community College was renamed University of Arkansas Community College at Rich Mountain and referenced as the College or UA Rich Mountain throughout the following policies.

UA Rich Mountain, as a campus in the University of Arkansas System (UA System, System, or University) that utilizes facilities, faculty, staff, and other resources, will continue to offer community college programs and appropriate degrees or certificates currently within the mission, vision, role as designated by the Arkansas Higher Education Coordinating Board. UA Rich Mountain will continue serving Polk, Scott, and Montgomery Counties.

The RMCC Board of Trustees became an appointed UA Rich Mountain Board of Visitors on the effective date of the merger with each appointee named for a term equal to the unexpired portion of his or her term as a member of RMCC Board of Trustees. Other changes due to the merger include changes in administrative and reporting responsibilities, specifically the RMCC president becoming a chancellor; and, on the effective date of the merger, the President of RMCC became the initial Chancellor of UA Rich Mountain, reporting directly to the UA System President. The Board of Visitors continue in an advisory capacity to the Chancellor.

## Structure of Policy Governance and Precedence

The following identifies the priority structure of policy governing the University of Arkansas Community College Rich Mountain. Policies are in order of precedence (i.e. Federal and State laws take precedence over UA System Policy, UA System takes precedence over UA Rich Mountain Policy, and so on). All policies contained are applicable to all benefit-eligible employees unless otherwise specified, and some policies refer to all employees.

- I. Federal and State Law
- II. UA System Policy and UA System Policy and Procedure
- III. UA Rich Mountain Policy



- IV. Administrative Procedures
- V. Department Procedures
- VI. Governance Through Committees

## Mission, Vision, Values, Philosophy and Scope

*(Revisions approved September 8, 2010)*

### Mission

University of Arkansas Rich Mountain exists to provide all residents of the Ouachita Mountain Region with exemplary educational and enrichment opportunities to improve the quality of life and standard of living.

### Vision

University of Arkansas Rich Mountain is committed to being an institution of distinction where an exceptional faculty and staff serve to awaken students to a love of learning. The college is dedicated to empowering each individual to pursue a higher quality of life by providing access to dynamic, lifelong learning opportunities.

The college's caring approach to teaching and learning allows individuals to enhance and expand their knowledge base and to enrich their lives through intellectual challenge and self-discovery with the support of skilled human resources and of emergent technologies. The college demonstrates respect for the worth and dignity of each person, and recognizes the uniqueness of each individual. In addition, the College encourages personal growth by offering affordable, high quality, accessible education in preparation for transfer and technical degrees, workforce development, career advancement, and personal enrichment.

### Values

University of Arkansas Rich Mountain, as a leader in a growing community and a vibrant contributor to the quality of life of the Ouachita Mountain Region, continues to develop an exemplary learning environment. Success in this endeavor hinges on turning the following values into action:

All who choose to use University of Arkansas Rich Mountain's resources are treated with dignity and are challenged to maximize their potential.

All students are given the opportunity and are encouraged to accept responsibility for learning and growing as individuals and citizens.

All College personnel are committed to providing an atmosphere of respect and cooperation where ideas, inquiry, and the continued pursuit for self-development are valued as means towards learning and growth.

All College personnel are dedicated to responsible stewardship and continued sustainability of human, fiscal, and natural resources with which we have been entrusted.

### Philosophy and Scope

University of Arkansas Rich Mountain recognizes the worth and dignity of the individual, as exemplified by its commitment to serving the multi-dimensional educational needs of its constituency.

Toward that end, University of Arkansas Rich Mountain endeavors to provide academic, vocational, and personal enrichment opportunities and dedicates itself to quality programs in each of these areas. Guided by these principles the scope of the college is as follows:

To offer associate degrees, technical degrees and certificates of proficiency in occupational education for students who wish to gain competence in specific skill areas or to upgrade their skills.

To provide the first two years of university parallel course work of high academic quality for students who transfer to senior institutions.

To provide foundational based educational programs for students who need basic academic skills.

To provide services for students who desire academic, vocational, financial, and personal guidance.

To offer the facilities and resources of the College to promote educational, civic, and cultural endeavors within the community.

To provide programs and services that support and enhance the social, civic, and economic development of our community and state.

To offer a variety of programs and courses designed to meet academic, vocational, and personal enrichment needs.

# ARTICLE I: GOVERNANCE

## 1.01 Governance Organization

### 1.01.01 Arkansas Higher Education Coordinating Board

*(New: February 2017)*

The Arkansas Higher Education Coordinating Board (AHECB) does not have "governance" authority over specific institutions but does exercise statewide coordination authority over certain items that impact institutions. AHECB consists of 12 members who are appointed by the governor and serve staggered six-year terms. The Arkansas Department of Higher Education (ADHE) serves as the administrative staff for the AHECB. ADHE develops and implements AHECB policies and procedures, reviews academic programs, administers statewide financial aid programs, contracts for support of graduate study outside of Arkansas, recommends institutional operating, capital and personal services budgets to the legislature, and collects student and course data to form a statewide data base. The authority of the AHECB is Arkansas Code Annotated; section 6-61-201 et. al., as amended.

### 1.01.02 University of Arkansas System Board of Trustees

*(New: February 2017)*

As a member of the University of Arkansas System, the Board of Trustees (UA System Board) of the University of Arkansas System governs UA Rich Mountain. The UA System Board is appointed by the Governor and is comprised of 10 citizens from across the state. The members come from various business, professional, and civic backgrounds and are representative of the citizens of Arkansas. The UA System Board has a demonstrated commitment to the mission, role, and scope of community college members of the UA System. The authority of the UA System Board is Arkansas Code Annotated section 6-64-201 et. al., as amended.

As a campus within the UA System, UA Rich Mountain shall follow applicable policies and resolutions of the System and the System's policies and procedures, as they are promulgated, amended, or repealed from time to time. UA Rich Mountain's operating procedures, internal governance, and established traditions are acceptable, so long as they are consistent with policies and resolutions, the System's policies and procedures, and the merger agreement.

In situations for which the College has provided no policy for administrative action, the Chancellor shall have the power to act, but his/her decisions shall be subject to the review of the UA System President. It shall be the duty of the Chancellor to inform the President promptly of all actions that should be covered by policy and recommend a written policy, if one is required.

Current UA System Board of Trustees link:

<https://www.uasys.edu/leadership/board-of-trustees/>

UA System Policies (UAS) link:

<https://www.uasys.edu/leadership/board-of-trustees/board-policies/>

UA Systemwide Policies and Procedures (UASP) link:

<https://www.uasys.edu/leadership/office-of-the-president/ua-system-policies/>

### 1.01.03 Delegation of Authority to the Chancellor

*(New: February 2017)*

The UA System Board and President delegate to the Chancellor its authority for administering the laws and policies governing the College. The line of communication between the Board and the staff is through the office of the President and Chancellor with the understanding that the following types of decisions will be referred to the Board of Trustees:

- Appointment of the Chancellor or his/her successor,
- Budgets and financial reports,
- Academic related items such as new programs, degrees, and technical and proficiency certificates,

### 1.01.04 Organizational Chart

*(New: February 2017)*

UA Rich Mountain's line of responsibility shall be as designated by an organizational chart structure. Recommending changes to the organizational chart shall be a function of the Chancellor. The complete College organizational chart is located on the UA Rich Mountain intranet and available from the Chancellor's office upon request.

As shown in the following organizational chart, the Chancellor is responsible to the President of UA System and through the President to the UA System Board of Trustees. The UA Rich Mountain Board of Visitors are appointed by the UA System Board of Trustees and serve in an advisory capacity to the Chancellor and assist the President with hiring of the Chancellor. Specific authority and responsibilities are listed in separate policies.

# UA Rich Mountain Organizational Chart November 1, 2018



## 1.02 The Chancellor

### 1.02.01 The Chancellor's Functions

*(New: February 2017; revised March 2017)*

UAS Link: [100.4 Rules and Regulations of the Board of Trustees of the University of Arkansas for the Governance and Administration of the University of Arkansas 3.29.17](#)

The Chancellor's powers, duties, and responsibilities prescribed by the UA System President and Board of Trustees will be those usually associated with those of the chief executive officer of a two-year college campus. The Chancellor is accountable directly to the President of the University of Arkansas System and the UA System Board of Trustees.

The Chancellor is responsible for guiding and directing all operations and activities of UA Rich Mountain.

The total responsibility of the Chancellor includes the development of a broad program of undergraduate educational services, focusing on short-term certificates, associate degree programs, and business and industry training for adults and high school students, as well as remedial and developmental courses, student tutoring and success counseling, and other primary needs of the service area. The ultimate determination by UA Rich Mountain of the exact programs to be established or maintained, including curricula, scope of education services and community service are matters of informed educational judgment in relation to the identified needs of business and industry in the service area. In turn, the UA System will take into consideration any recommendations

The Chancellor will retain all rights and responsibilities pertaining to the employment of qualified faculty and staff to operate UA Rich Mountain and to deliver quality educational programming and workforce training in support of the unique mission and goals of the College.

UAS: [100.4 Rules and Regulations of the Board of Trustees of the University of Arkansas for the Governance and Administration of the University of Arkansas 3.29.17, Chapter III, Administration, 4. excerpt:](#)

The Chancellors

The Chancellor of a campus shall exercise complete executive authority thereon, subject to the policies established by the Board of Trustees and the President. The Chancellor shall be the leader of and the official spokesperson for the campus and shall promote the educational excellence and general development and welfare of the campus. The Chancellor shall define the authority of administrative committees and officers of that campus, and all projects, programs, and institutional reports

to be undertaken on behalf of that campus shall be subject to authorization and approval of the Chancellor.

The Chancellor shall be responsible to the President for enforcement of the policies and procedures, budgets, regulations, and decisions of the Board of Trustees concerning that campus. It shall be his or her duty to keep the President, and through the President, the Board of Trustees fully informed concerning the operations and needs of that campus. The Chancellor shall make an annual report to the President concerning the fiscal year of the University of Arkansas, which report shall also be provided to the Board of Trustees. The Chancellor shall further provide any other reports that may be required.

At the meeting of the Board a designated Chancellor or Director shall give a report on the state of the campus. Further, each Chancellor and Director shall be prepared to report to the Board on the status of his or her campus at any meeting upon request of the President or any member of the Board.

The Chancellor shall make recommendations for the development of the educational programs for the development of the educational programs of the campus and shall serve as the general advisor to the President, and through the President, the Board of Trustees with respect to all programs and activities of the campus. The Chancellor shall present to the President all matters concerning the campus, which are to be considered by the Board of Trustees or any of its committees. The Chancellor shall be expected to attend all meetings of the Board of Trustees when an agenda item for the campus is to be presented unless excused by the President.

Subject to the policies prescribed by the Board of Trustees and the President, the Chancellor shall make recommendations to the President with respect to the budget and the appointment of full-time academic personnel.

The Chancellor shall be the official medium of communication between the President and all deans, heads of departments and department chairs and all other administrative officers, faculty, staff, and students of the campus.

The Chancellor shall be a member of all faculties and other academic bodies of the campus and shall be a member of the campus governing body.

### 1.02.02 Delegating Responsibility

(New: February 2017)

The Chancellor may delegate any powers and duties entrusted to him/her, but shall be specifically responsible to the System for the execution of such delegated powers and duties.

### 1.02.03 Action in Absence of the Chancellor

(New: February 2017)

In the absence or incapacity of the Chancellor, any problems arising shall be referred to the appropriate administrator or delegated by the Chancellor.

### 1.02.04 Operating Budget

(New: February 2017)

The Chancellor is responsible for developing operating and biennial budgets. The Chancellor will review the College's proposed annual operating budget recommendations that include tuition and fees with the Board of Visitors. The Chancellor will provide the proposed budget to the UA System President, who is responsible for making recommendations for tuition and fees for all campuses of the System.

## 1.03 Board of Visitors

### 1.03.01 General Purpose

(New: February 2017)

In keeping with the letter and spirit of the *Agreement of Merger and Plan of Transition* between the University of Arkansas System Board of Trustees and the Rich Mountain Community College Board of Trustees that finalized the merger on February 1, 2017, the general purpose of the Board of Visitors shall be to perform liaison and advisory function between UA Rich Mountain and residents of its service area, to aid in securing financial support, to advise upon the educational and services needs of the service area, to assistance the UA System's endeavors to aid in the orderly transition of UA Rich Mountain as it becomes a University of Arkansas System campus, and to furnish counsel and guidance for the resulting institution.

All communication, including advice and recommendations from the UA Rich Mountain Board of Visitors, will be transmitted through the Chancellor to the President of the UA System, who may then provide that communication to the UA System Board of Trustees. The Chancellor of UA Rich Mountain will be an executive employee of the UA System and will report to the President of the UA System.

### 1.03.02 Appointments by the UA System

(New: February 2017)



The initial Board of Visitors (BOV) were constituted and the persons serving at the effective date, February 1, 2017, as members of RMCC's Board of Trustees were appointed to the UA Rich Mountain Board of Visitors. Each appointee was named for a term equal to the unexpired portion of his or her term as a member of the RMCC Board of Trustees.

As terms expire, or as vacancies occur for any reason, the remaining BOV members will recommend to the Chancellor the names of three (3) residents who are representative of the UA Rich Mountain service area for the purpose of filling each vacancy. From the three (3) recommended names, the Chancellor of UA Rich Mountain will recommend to the UA System President an appointment to fill each vacancy for approval by the UA System Board of Trustees.

New members to the Board of Visitors will be for terms of six (6) years or for the remaining portion of the unexpired term.

### 1.03.03 Officers

*(New: February 2017; Revised: June 2018)*

The Board of Visitors will elect from its members a Chair, a Vice-Chair, and a Secretary at the first BOV meeting of the calendar year.

Terms of office are up to two years with the term length determined during the election of officers.

Officer vacancies shall be filled by the BOV for the unexpired term of the position at the next regular meeting.

### 1.03.04 Meetings

*(New: February 2017)*

The Board of Visitors will meet quarterly at least two weeks prior to a regularly scheduled meeting of the UA System Board of Trustees. Special meetings may be called by the BOV Chair, the Chancellor, or the UA System Board of Trustees.

The Chancellor is responsible for developing the BOV meeting agenda and provides information about the agenda items. The agenda and informational materials are mailed, delivered, or delivered electronically to the board members at least three (3) days prior to the meeting.

Requests for placing items on the agenda must be given to the Chancellor in sufficient time to place them on the agenda and prepare appropriate backup materials.

The Chancellor is responsible for providing staff to serve as the official recorder of the minutes. Minutes of each meeting are to be included in the meeting materials for review at the next regular BOV meeting. Minutes are to be preserved in the historical records of the College.

At all meetings of the Board of Visitors, a quorum is established when five (5) of the nine (9) members are present.

#### 1.03.05 Parliamentary Procedure

Unless otherwise provided by the Board, all BOV meetings are conducted in accord with the latest *Robert's Rules of Order, Revised*.

#### 1.03.06 Educational Programs

(New: February 2017)

Regarding educational programs described in 1.02.01 under the Chancellor's responsibility, the UA System will take into consideration any recommendations of the UA Rich Mountain Board of Visitors and exercise judgment with a view to the best welfare of the College regarding educational offerings.

#### 1.03.07 Operating Budget

(New: February 2017)

The UA Rich Mountain Board of Visitors may exercise an advisory function to the Chancellor for the operating budget, including review of recommendations to the UA System of tuition and fees.

#### 1.03.08 Attendance to UA System Board of Trustee Meetings

(New: February 2017)

The Chair of the UA Rich Mountain Board of Visitors, or designee, is invited to attend all meetings of the UA System Board of Trustees to support effective representation of the interests of UA Rich Mountain and so that the UA Rich Mountain BOV will have an enhanced understanding of the policies, procedures, and operation of the Board of Trustees.

#### 1.03.09 Hiring the Chancellor

(New: February 2017)

The Chancellor will be employed by the UA System upon recommendation of the President and approval by the UA System Board of Trustees consistent with its policies concerning employment of chancellors of two-year institutions and after appropriate consultation with the UA Rich Mountain Board of Visitors.

The UA Rich Mountain Board of Visitors, the President of the UA System, and the UA System Board of Trustees will establish the expectation that, and assure that, in any vacancies for the Chancellor position, all finalists for the position understand, appreciate, and commit to support and continue the unique mission of UA Rich Mountain.

## ARTICLE II – ADMINISTRATION OF THE COLLEGE

### 2.01 Administrative Operations

#### 2.01.01 Administrative Procedures

*(Revised: December 2010; February 2017)*

Where appropriate, each administrative office responsible to the Chancellor will maintain a current regulations and procedures manual for its area of responsibility. The manual will be submitted to the Chancellor for approval. The regulations and procedures will be consistent with UA System and UA Rich Mountain policies.

#### 2.01.02 Employee Conflict of Interest

*(Revised: September 2008; December 2010; February 2017; July 2018)*

UAS Link: [100.9 Board of Trustees Standards of Conduct and Conflict of Interest 9.18.98](#)

UAS Link: [330.1 Employee and Contractor Conflict of Interest 9.18.98](#)

No UA Rich Mountain official or employee shall participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, in which UA Rich Mountain funds are used, where to his/her knowledge, he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, or has less than an arms-length transaction.

##### 1. Appearance

In the use of UA Rich Mountain funds, officials or employees of UA Rich Mountain shall avoid any action that might result in or create the appearance of:

- a. Using his or her official position for private gain;
- b. Giving preferential treatment to any person;
- c. Losing complete independence or impartiality;
- d. Making an official decision outside official channels; or
- e. Affecting adversely the confidence of the public in the integrity of the programs, policies, and procedures of UA Rich Mountain.

##### 2. Action

Where an actual conflict or an appearance of a conflict of interest exists, the person for whom the actual or apparent conflict of interest exists shall recuse himself or herself not only from participating in the decision for which the conflict exists, but also from the evaluation of all competing decisions.

Employees are required to complete the *Related Party Disclosure Form* provided by UAS as noted in policy 330.1 when applicable.

### 2.01.03 Shared Governance

(Revised: December 2010; September 2014; February 2017; July 2017)

[UAS: 100.4 Rules and Regulations of the Board of Trustees of the University of Arkansas for the Governance and Administration of the University of Arkansas 3.29.17 excerpt](#)

#### 5. Campus Governance

##### 5.1 Scope and Purpose

The constituency of each campus shall develop a system of campus government to establish policies and procedures for campus government. The purposes shall be to provide a system that permits a broad base for governance that campus through appropriate participating involvement of the administration, students, faculty, and staff in the determination of guidelines and policies for campus affairs and to generate and promote understanding, collaboration, and a sense of community on the campus. The responsibility and authority hereinafter described in this section shall be vested in the campus organization by the University of Arkansas Board of Trustees and shall be subject to review by the Board.

##### 5.2 Authority and Responsibility

The campus governance organization on each campus shall, under the Board of Trustees, be the legislative body responsible for developing educational policies and programs on that campus. Among other matters, this responsibility includes such areas as:

- (1) Admissions requirements
- (2) Curriculum and courses
- (3) Degrees and requirements for degrees
- (4) Calendar and schedule
- (5) Academic honors
- (6) Student affairs
- (7) Interpretation of its own legislation

The campus government shall have the authority to make recommendations to the Chancellor, President, and the Board of Trustees on any matter of general faculty or campuswide concern, including matters such as appointment, (promotion and tenure not applicable), dismissal, and non-reappointment. Through the Chancellor, action on any matter under this paragraph is reported to the President and, when requested by the campus government or considered necessary or desirable by the President, through the President to the Board of Trustees.

##### 5.3 Organization and Operation

Each campus shall, consistent with provisions of this section, design any campus governmental structure and operate in any manner it determines consistent with the principles of sound demographic government.

- (1) Members of the administration, faculty, staff, and students under the administrative jurisdiction of each of the principal campuses shall have representation in the governance of that campus.
- (2) The local organization shall be predominantly faculty.
- (3) Meeting notices and tentative agenda shall be publicized at least five (5) days in advance of the meeting.
- (4) Meetings shall be open to all represented persons, although floor privileges may be limited.
- (5) Summaries of meetings shall be made available to all members of the local governing body promptly after the meeting.
- (6) Minutes of the meetings shall be forwarded promptly to the Chancellor and shall be deposited in the campus library.

#### 5.4 Actions Disapproved by the Chancellor

The Chancellor of the campus may disapprove any action of the local government within two (2) weeks after receipt of same. If the Chancellor and the campus organization are unable to reconcile their differences, the local organization may, by at least three-fifths (3/5) vote of those present and voting, provided that a quorum is present, appeal these differences to the President for mediation and to the Board of Trustees. If settlement is not achieved within thirty (30) days, the President shall submit the issue to the Board of Trustees for resolution.

#### 5.5 Implementation of Local Governance

The constituency of each campus shall submit a proposed plan through the Chancellor and the President to the Board of Trustees. Upon review and recommendation by the Chancellor and the President and approval by the Board of Trustees, the proposed plan shall be adopted and shall supersede all existing instruments of governance pertaining to that campus. Subsequent amendments shall follow the same procedure. Until such a plan is submitted and approved, all rights, privileges, and obligations granted to faculties and other groups by existing documents relating to campus governance shall remain in effect.

To fulfill its mission, UA Rich Mountain must respond to all stakeholders effectively and efficiently. The UA Rich Mountain governance structures empower the College and stakeholders to independently, open dialogues, engage in proven competencies, and strengthen the College through joint decision-making. Shared governance utilizes the collective intelligence of the College community in planning and decision making processes. Shared governance structures assure accountability in processes and encourage open communications in operations.

UA Rich Mountain's open door policy ensures employee's skills and talents are used, recognized, and honored.

The Chancellor and Staff shall

1. Develop and implement college policies into action programs.
2. Implement programs that fulfill the mission and purpose of the college and evaluate those programs regularly.
3. Prepare reports for the UA System, BOV, and public examination.
4. Develop, implement, and promote systems of shared governance in a collegial environment.
  - a) *Governance Through Committees (GTC)* is an annual document that ensures ongoing and continuous involvement in shared governance. *GTC* includes assignments and charges for standing committees, task forces, ad hoc committees, advisory committees, etc. Committee responsibilities change based on college needs. The Chancellor or VCAA assigns committee appointments which are announced during fall Inservice and available on the intranet for reference throughout the year.
  - b) The Professional Association (PA) Constitution includes additional standing committees. PA chamber elections and PA committee appointments usually occur during the spring each year.
  - c) All committee appointments should represent a diverse population.
  - d) Search committees are appointed throughout the year as needed.

#### 2.01.04 Right to Appeal

*(Revised: September 2014)*

Full-time employees shall have the right to appeal to the next higher authority any decision directly involving him/her through the appropriate successive steps to the Chancellor.

#### 2.01.05 Accreditation

*(Revised: March 2004)*

The Administration will take all necessary steps to sustain full accreditation of the College by the Higher Learning Commission of the North Central Association and appropriate program-specific accreditations.

#### 2.01.06 Institutional Memberships

*(Revised: September 2014)*

The College shall maintain continuous college membership in the Higher Learning Commission of the North Central Association. All other institutional memberships, provided costs are kept within budgetary provisions, shall be approved by the Chancellor.

## 2.02 Appointments and Employment

### 2.02.01 Advertising Vacancies

(Merged: September 2014)

The College reserves the right to make internal vacancy announcements prior to other advertising. Once a full external search is determined, open positions shall be posted on the UA Rich Mountain website with all (non-exempt) classified positions advertised for a minimum of five (5) working days and all other positions for a minimum of ten (10) working days. Advertisement venues will be selected depending on the position, candidate pool, and recommendations by HR and/or the respective administrator over the position.

### 2.02.02 Search Committees

(Merged: September 2014)

The Director of Human Resources, in consultation with the Chancellor and the appropriate Vice Chancellor, appoints search committees and the committee chair for open positions. Candidates shall be selected through a search and selection process that incorporates the best interests of the College and exhibits regional and/or national competition for outstanding faculty, professional staff, and administration. Search committee guidelines are located in *Governance Through Committees*.

### 2.02.03 Appointments/Renewal and Non-renewal/Non-Reappointment of Administrative, Professional Non-faculty, and Faculty Employees

(Revised: January 2005; December 2010; March 2017; March 2018)

UAS Link: [300.1 Contracting Authority 3.30.17](#)

UAS Link: [405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty 3.29.18](#)

UAS Link: [405.4 Termination of Employment 3.29.18](#)

UAS Link: [405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty 3.29.18](#)

*Note: The policy is 20 pages in length, and most of it concerns tenure, rank, professors, etc. For the policy in its entirety &/or for the definitions, please take the link. This brief excerpt does apply to UA Rich Mountain faculty.*

This policy shall be included without change or inter-lineation in the Faculty Handbook for each campus.

To the extent any provision in this policy conflicts with a campus policy, this policy shall control.

- I. Definition of Terms  
Appointment  
Cause

Dismissal  
Faculty  
Non-Reappointment  
Resignation  
Suspension

II. Appointments

A. Faculty. The following principles shall apply to appointments to faculty positions:

1. General

Appointments shall be for a specified period of time not to exceed one fiscal year, at a specified salary. Except for appointments to faculty positions for summer school, appointments shall not exceed beyond the end of a fiscal year.

Recommendations for appointments to the faculty...subject to the approval of the CAO and CEO of the campus, who alone shall make the final recommendation for appointment.

Criteria and procedures for the initial appointment and successive appointment of all faculty members on a campus shall be adopted by each campus.

2. Initial Appointment

An appropriate degree or professional experience is an essential qualification for appointment to position...

Other important qualifications include experience in teaching, research, or other creative activity, and educational service either at other colleges and universities and/or non-academic settings.

3. Successive Appointments

...Non-tenure track faculty with a term appointment for a specified term of years do not have a right to an appointment beyond the appointment period.

III. n/a

IV. n/a

V. Annual Review

An annual review of work...Faculty not in tenure-track positions shall be evaluated by procedures adopted by each campus.

The Chancellor shall be responsible for personnel actions involving the appointment of all College employees. However, specifically regarding the Vice Chancellors, no person shall be appointed to those positions without prior approval of the President, who will also be consulted regularly in the selection process and have the discretion to participate in the interviews of finalists.

Appointment



An appointment is employment by written notice by the Chancellor of an individual in a given capacity for a specified time period at a stated salary (not to exceed one year). An appointment is valid only when the appointment form is approved by the Chancellor, is signed by the individual being appointed, and returned to the specified official by the specified time, usually set at 10 days.

Memorandums of Appointment are issued for new employees throughout the year, and renewals are issued annually after the budget for the next fiscal year is prepared. Acknowledgment that an employee will abide by UA Rich Mountain and System policies and other annual notifications are included in memorandums of appointment.

Employees paid by grants do not receive new letters of appointment until the grant awards are assured for the next fiscal period and may be non-renewed up until that time by the appropriate Vice Chancellor. Renewal dates will vary as the grant periods vary.

For faculty, separate documents will be issued for extra duties and/or overload teaching assignments. To qualify for salary increase due to academic advancement, a faculty member must notify the administration before March 15 of the faculty members' intentions of possibly qualifying, and upon completion of program must present evidence of qualifications. Without proper advance notification, salaries for degrees earned during an academic year will increase in the following academic year.

Arkansas is an at-will employment state.

#### Non-Reappointment

Non-reappointment means that an employee is not offered a next successive letter of appointment at the end of a stated employment period. It is affected by a written notice sent in compliance with the time limits of this policy.

Persons whose performance is not considered satisfactory will be evaluated as early as possible. They will be given direct suggestions as to how their performance falls short of institutional standards and how they can improve the quality of their work. The appropriate administrator will provide such consultation to the employee.

Faculty members are to be notified in writing by the Vice Chancellor Academic Affairs no later than March 10th if their contract is not to be renewed, or 60 days in advance of the date the employment is to cease.

The individual, upon being notified that he or she will not be reappointed, may request an interview within ten (10) working days after receipt of the notice with the Chancellor. The Chancellor will, within ten working days make the final decision on the request that the decision be reconsidered. Vice Chancellor,

Division Chair, and/or Supervisor may be requested to participate in their individual capacities in the interview.

If the individual does not request an interview within the time limit stated above after receipt of notification of non-reappointment, the matter shall be considered closed.

#### 2.02.04 Employee Classifications

*(Revised: January 2005; December 2010; September 2014; February 2017)*

Employee classifications are referenced throughout policy.

##### Major administrative positions

Includes the Chancellor (Chief Executive Officer/CEO), Vice Chancellor of Academic Affairs (Chief Academic Officer/CAO), Vice Chancellor of Student Affairs (Chief Student Life Officer/CSLO), Vice Chancellor of Administration (Chief Fiscal Officer/CFO) and/or Chief Information Officer (CIO). The group is also referred to as Cabinet.

- Candidates must have at least a Master's Degree or equivalent (Doctorate preferred). The degree requirement may be waived in case of exceptionally well-qualified candidates.
- Candidates for major administrative positions of the College shall be selected by the Chancellor.

##### Other administrative and professional staff positions

- Includes all non-classified and non-faculty positions, e.g. director, the librarian, coordinator, administrative assistant, etc.
- Varying qualifications are listed in specific position descriptions.
- Recommendations for hiring shall be made to the Chancellor by the appropriate administrator.

##### Faculty

- Includes those who come under the title of instructor and other persons performing either full-time or adjunct teaching duties.
- Policies, in general, refer to full-time faculty.
- Recommended candidates shall be fully qualified in their subject matter teaching field, with credentials that are appropriate for certificate and associate degree levels, in accordance with Arkansas Higher Education Coordinating Board requirements.
- The degree requirement may be waived in the case of a well-qualified candidate. The vocational certificate requirement may be waived if the education and experience requirements of the Division of Vocational and Technical Education, Department of Education are met.

##### Classified Staff

- Shall meet the eligibility requirements of the State Office of Personnel Management.

- Are on the State salary schedule.
- Serve in nonacademic functions.
- Are considered hourly employees.
- Recommended to the Chancellor for hiring by the Administrator to whom the classified employee reports.

For all employee classifications, credential and position requirements are minimum requirements for employment and in no way limit increasing requirements for position advertisement and employment.

### 2.02.05 New Positions

*(Revised: June 2007; December 2010; February 2017)*

Any newly created permanent full or part-time position, restricted or unrestricted, must be approved by the Chancellor prior to interview and selection of a candidate for recommendation.

### 2.02.06 Background Checks and Use of Criminal Record, Financial, and Substance Abuse-Testing Information in Employment Decisions and for Volunteers with Similar Responsibilities; Training for Positions Working with Minors

*(Merged: September 2014; Revised July 2018)*

UASP Link: [470.1 Background Checks and Use of Criminal Record, Financial, and Substance Abuse-Testing Information in Employment Decisions and for Volunteers with Similar Responsibilities; Training for Positions Working with Minors 4.29.16](#)

#### Background and Overview

- The University of Arkansas is permitted by law to obtain and consider criminal history, financial history, and substance abuse testing information in making employment decisions when job-related and a business necessity.<sup>1</sup> This policy authorizes each campus, division, and unit of the University of Arkansas System to obtain and utilize criminal history information, and, where appropriate, financial history and substance abuse testing information (collectively “background check information”) in making employment decisions. This policy also provides guidance regarding the appropriate use and safeguarding of such information (including applicable standards for disqualification), consistent with state and federal law.
- The University strictly prohibits the use of background check information in a manner that constitutes a violation of an individual’s civil rights. Accordingly, it is important for each campus, division, and unit to follow proper procedures and criteria in obtaining and using such information, as described in this policy. Furthermore, it is critical that the confidentiality of all such records be protected to the maximum extent possible.

- Note that this policy is intended for general guidance purposes only. Administrators should be aware that state and federal statutes and regulations may provide more specific restrictions, requirements or procedures with regard to particular employment categories. This policy does not create any right to procedural or substantive due process of law beyond that mandated by federal and state laws, if any, nor does it create any contract rights to any applicant or employee. Furthermore, this policy is subject to all policies of the Board of Trustees of the University of Arkansas.

#### Scope of Coverage.

- This policy shall be applicable to all campuses, divisions, and units of the University of Arkansas System, except as noted herein. Each campus, division, or unit shall establish its own procedures, consistent with this policy, for conducting and utilizing background checks with regard to employment decisions. In general, job categories covered by background checks shall be determined based on the nature of job responsibilities, rather than on the nature of appointment, such as, full-time, part-time, or graduate assistant. However, because of the unique relationships of medical interns, residents, and fellows, the UAMS College of Medicine will develop a separate policy for those individuals, to be consistent with Accreditation Council for Graduate Medical Education guidelines and the requirements of the National Resident Matching Program.

#### Job Categories for Which Background Checks Are Required.

Criminal background checks (including registered sex offender checks), and where applicable, other registry record checks, shall be conducted for persons newly hired or promoted in the following classes of positions:

- Law enforcement officers
- Child care workers<sup>2</sup>
- K-12 teachers, pre-service teachers, administrators, and non-certified personnel<sup>3</sup>
- Other positions (including faculty) providing care or supervision to minors as a primary job duty, including all persons with responsibilities for conducting camps or similar programs
- Health care providers such as nurses and physicians, including faculty with access to or providing services to patients
- Positions (including faculty) providing services as clinical psychologists, social workers, and licensed professional counselors as a primary job duty
- Other positions (including faculty) providing care or supervision to mentally ill or developmentally disabled<sup>4</sup> persons as a primary job duty
- Resident assistants/head residents in residence halls.

In addition, a criminal background check is required for a person newly hired into a position with "supervisory fiduciary responsibility over all fiscal matters." <sup>5</sup>

- Furthermore, substance abuse testing shall be conducted for all persons newly hired or promoted for positions which serve primarily as bus and van drivers, or which positions otherwise require a Commercial Driver's License.<sup>6</sup>

#### Job Categories for Which Background Checks Are at the Option of the Campus.

Each campus, division, or unit may choose to designate additional job categories or titles which shall be subject to background checks, provided that officials determine that such checks are necessary to the proper conduct of the position, for example, due to considerations of public safety, responsibility for supervision of personnel, safeguarding University funds, property, or reputation, or protecting the welfare of members of the University community.

#### Contractors

Each campus, division or unit may require any contractor to conduct background checks for positions that would require checks under this policy or any campus, division or unit background check policy.

#### Training for Employees Working with Minors.

In addition to background checks, all new employees who provide care or supervision of minors as part of their job responsibilities must receive a copy of the campus, division or unit policy on protection of minors and the employee must acknowledge in writing that he or she has read and understands the policy. Further, the new employee must complete a live or on-line training program on protecting minors, including child maltreatment reporting, prior to the performance of job duties.

#### Procedures for Conducting Background Checks and the Fair Credit Reporting Act.

All campuses, divisions, or units conducting and utilizing background check information must establish campus-, division-, or unit-level procedures that are consistent with this policy. At a minimum, such procedures shall include the following for all covered positions:

#### Identification of Covered Positions.

Based on business necessity, the campus, division, or unit shall determine which positions should be subject to background checks and the nature of the information to be obtained (e.g., criminal, financial, or substance abuse testing).

It is the intent of this policy that financial checks and pre-employment substance abuse testing information shall only be conducted where the information is directly relevant to the job responsibilities.

#### Job Announcement Language.

Job announcements for all positions that will be subject to a pre-employment background check should include specific notice language to that effect. Sample notice language is provided in the appendix to this policy.

#### Self-Disclosure of Information on Job Applications; Application Language; Interviews.

Applicants for positions that are subject to a pre-employment background check, as well as any other positions designated by each campus, division, or unit shall be required to self-disclose all criminal convictions other than minor traffic offenses (including, but not limited to, status as a registered sex offender), as well as any arrests pending adjudication. Depending on the position, applicants may also be asked whether they have ever been debarred from conducting business with any federal or state agency.

#### Sanctions for Failure to Provide Accurate Information.

Applications shall state that failure to provide accurate information may be grounds to reject an application, withdraw an offer of employment, or for termination at any time.

#### Relationship to Job Requirements.

Applications shall also state that the fact of a criminal conviction or arrest pending adjudication alone shall not disqualify an applicant in the absence of a relationship to the requirements of the position.

#### Requirement of Additional Information.

For a limited number of appropriate positions, applications may also require applicants to furnish job-related, relevant financial history information, such as recent bankruptcies, or substance abuse testing information.

#### Job Interview Questions.

In the interview process it is acceptable to inquire about convictions and arrests pending adjudication, but generally not other arrests unless required by law.

#### Written Authorization for Release of Information.

Applicants for positions subject to background checks shall be required to execute a separate written authorization for the release of criminal and/or financial information as part of the job application process. If a check is conducted, the authorization shall be maintained in the files of the campus, division or unit for at least three (3) years.<sup>7</sup> A separate authorization form shall be utilized, if necessary, for any substance abuse testing to occur.

#### Fair Credit Reporting Act.

If a private background check provider (known as a "consumer reporting agency") is utilized, the requirements of the Fair Credit Reporting Act (FCRA) must be followed.<sup>8</sup> Note that such requirements do not apply to Arkansas State Police checks or credential checks carried out by University officials.<sup>9</sup> Criminal or financial history information obtained through a private provider is referred to by the FCRA as a "consumer report."

#### Separate Written Notice and Authorization.

Under the FCRA, the University must provide the applicant with a “clear and conspicuous” written notice that the University intends to obtain a consumer report, as well as written authorization from the applicant. The notice must be a “separate disclosure” that cannot simply be part of an employment application form. Sample FCRA disclosure and authorization forms are attached in the Appendix to this policy, or may be supplied by the contractor.

#### Certification.

The University must certify to the private provider that the consumer report will be used only for permitted purposes under the FCRA, and not in violation of any applicable state or federal equal opportunity law or regulation. Under the FCRA, the report may only be obtained for the purpose of evaluating an individual for employment, promotion, reassignment or retention as an employee.

#### Investigative Consumer Reports.

Additionally, if an “investigative consumer report” is to be requested from a consumer reporting agency in which information regarding an applicant or employee's character, general reputation, personal characteristics, and mode of living is obtained through personal interviews by such agency, the campus, division, or unit must provide notice to the consumer not later than three days after the date that the report was first [requested](#).<sup>10</sup>

Upon the request of the subject, the campus, division, or unit must make a complete disclosure of the nature and scope of the investigation within five days after the request or after the date of the request for the report, whichever is later.

#### Background Checks to be conducted for Finalists; Contingent Offers of Employment.

Background checks (including substance abuse testing) shall be conducted only after a candidate becomes the finalist or one of the finalists for a position. Unless prior completion of the check is required by law for the position, a campus, division or unit may make an offer of employment that is expressly conditioned on completion of a background check that is fully satisfactory in the sole discretion of the University.

#### Promotions and Transfers; Previous Background Checks; Camps.

Incumbent employees who are applicants for new positions are subject to the background check requirements for the new position. To the extent permitted by law, if the applicant has undergone a background check of a particular type within the past two years, and the applicant has remained continuously employed by the University (allowing for regular seasonal breaks of six months or less) in good standing since the check was conducted, a new check is not required under this policy.



For clarification, applicants not continuously employed by the University but who are rehired each year (for example, as camp employees), must have a new check conducted. K12 school employees who have a current background check on file with his or her school district, and remain employed by that school district, may have such background check furnished to the University, but only if it is submitted directly by the human resources office of the district, rather than by the employee.

#### Submission of Background Check Requests.

Each campus, division, or unit shall designate one or more officials (for example, within its human resources office) as authorized to submit background check requests on behalf of the campus, division, or unit. Requests shall be provided to an appropriate, qualified background check information provider based on the type of position and the nature of the information sought. Note that for certain types of positions, such as child care workers, requests are required by law to be directed to the Identification Bureau of the Arkansas State Police and the Child Maltreatment Registry of the Arkansas Department of Human Services.<sup>11</sup>

#### Criminal History Requests Limited to Convictions and Arrests Pending Adjudication.

Except for law enforcement personnel, criminal history requests shall be limited to criminal convictions and arrests currently pending adjudication, and shall not include other arrests. The requestor shall follow the requirements of the information provider.

#### Qualified Providers.

A qualified background check provider may include the Arkansas State Police or a private contractor, given the nature of the position and other factors, such as the length of the subject's residence in the State of Arkansas.

#### Costs.

Costs of any background checks shall be borne by the hiring authority, or as otherwise determined by the campus, division, or unit.

#### Review and Use of Information.

The authorized recipient of the background check report shall review the report. If the recipient receives a notice of address discrepancy, the recipient shall take steps designed to enable the recipient to form a reasonable belief that a consumer report relates to the intended person.<sup>12</sup> If job-related adverse information appears on the report, the recipient shall notify the hiring authority of the relevant information and confer with the hiring authority regarding any employment action to be taken.



#### Adverse Determinations.

The determination to deny employment to a finalist for a position due to adverse, job-related background check information shall be made by the hiring authority, in consultation with the director of the campus, division, or unit human resources office and, as appropriate, with the Office of the General Counsel and/or the campus, division, or unit public safety office or equal employment opportunity office and shall be subject to all other University policies.

#### Approval of Decisions to Hire or Promote.

A decision to hire or promote an applicant with adverse, job-related background check information shall require the approval of a vice chancellor or comparable senior campus, division or unit official.

#### Documentation.

Persons making determinations under this policy shall document the reasons, within the standards of this policy, for the employment decision made.

#### Notification of Adverse Information.

If any information in a criminal background check or financial history report is utilized to make an adverse action regarding an employment decision, the hiring authority shall notify the applicant or employee of the information and its source in writing before making a final determination. When notified of the intended adverse action, the applicant or employee shall be given five business days to request, in writing, clarification or further review of the decision. If the adverse action to be taken is

1. Pre-Adverse Action Disclosure. The campus, division, or unit must first provide a "pre-adverse action disclosure" to applicant or employee, including a copy of the consumer report together with a copy of the Summary of Consumer Rights prescribed by the Federal Trade Commission pursuant to 15 U.S.C. § 1681g(c). The campus, division, or unit then must wait five business days before taking the adverse action. A copy of the Summary is attached in the Appendix to this policy.

2. Adverse Action Notice. After the adverse action is taken, the campus, division, or unit must provide the applicant or employee with an "adverse action notice" including the following information:

- notice of the adverse action taken;
- the name, address, and phone number of the reporting agency;
- a statement that the consumer reporting agency did not make the adverse decision and is not able to explain the decision;
- a notice summarizing the consumer's rights to obtain a free disclosure of his or her file from the reporting agency if requested within 60 days;
- a notice of the consumer's right to dispute directly with the agency the accuracy or completeness of any information provided.

- A sample adverse action notice is attached in the Appendix to this policy.

#### Substance Abuse Testing Results.

In the case of positive substance abuse testing results, the subject shall be permitted to submit relevant medical information pertaining to the positive test results.

#### Confidential Storage of Information; Retention Period; Statistical Data.

Background check information shall be maintained by the authorized recipient of the report (such as the campus human resources office) in a confidential file that is segregated from an application or employee personnel file. Access to background check information shall be restricted to authorized persons with a specific, job-related need to know. Background check information may be exempt from disclosure under the Arkansas Freedom of Information Act.<sup>13</sup> Background check information shall be retained for a period of three years from the date of any hiring decision and then securely destroyed by the recipient. Human resources offices shall assemble statistical data (without names) which reflects information and experience under this policy.

#### Criteria for Disqualification – Applicants.

Where pre-employment inquiries, written or oral, are directed to a prospective employee regarding criminal history or other background check information, or information from other sources is sought and/or received regarding prior convictions or arrests pending conviction, such information shall be utilized only in accordance with the standards set out in this policy. This policy shall also apply to incumbent employees applying for positions identified as appropriate for background checks.

1. Job Relationship and Business Necessity. Information concerning criminal history, financial history, or substance abuse testing results shall be utilized only with reference to determining fitness of the individual to be an employee in terms of job relationship and business necessity. The basic inquiry is whether the safe and efficient conduct of the functions of the job position would be inconsistent with the employment of the individual in view of his or her record. Relevant considerations include safety of fellow employees and students, fitness for supervisory role, and protection of property, funds and reputation of the University of Arkansas, as well as safety of the public. Convictions, from that fact alone, and other background check information, shall not be treated as an absolute bar to employment if not relevant to the position sought.

2. Number, Seriousness and Recency of Convictions; Work History. Appropriate consideration shall be given to the number and seriousness of any convictions (or other relevant information contained in a background check report), as well as how recently the matters occurred. For example,

depending on the nature of the offense, a single conviction more than fifteen (15) years old might not disqualify an applicant. Consideration may also be given to the subject's intervening work history.

3. Use of Arrest Information, if Received. Unless otherwise required by law or University policy, arrests on charges not followed by convictions shall not be considered in making employment decisions, unless the hiring authority specifically determines that the alleged conduct was actually committed and is related to the position sought. The hiring authority should examine the surrounding circumstances, offer the applicant or employee the opportunity to explain, and, if he or she denies the misconduct, make follow-up inquiries to assess his or her credibility.

4. Uniform Application. These standards shall be applied uniformly to all applicants for employment with the University, and uniformly regardless of their race, color, religion, sex, national origin, disability or any other category prohibited by law or by University policy.

5. Expunged Records. Hiring authorities shall observe current statutory requirements regarding consideration of any expunged criminal records. In general, expunged records shall not be considered by hiring authorities, other than with respect to persons applying for law enforcement positions, positions in child care facilities, or certain other positions providing care or other services to vulnerable populations.<sup>14</sup>

#### Criteria for Disqualification – Incumbent Employees.

Criminal matters or other suspected misconduct arising after an individual is an employee of the University may be relevant to decisions regarding his or her future employment relationship with the University. University employees must report to their supervisor, within 24 hours or at the earliest possible opportunity thereafter, any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to make such a report shall constitute grounds for disciplinary action, up to and including termination. The employee shall cooperate fully during any review process undertaken by the University. The University reserves the right to conduct a criminal or financial history investigation when an employee is charged with any crime that may adversely affect his/her suitability for continued employment, or during the course of an administrative investigation. In general, the above disqualification criteria regarding applicants for employment will furnish guidance regarding incumbent employees as well.

Criminal Convictions of Employees. A criminal conviction may furnish the basis for discharge where it (a) is followed by incarceration, making the individual unavailable for work, or (b) resulted from an offense directed at the University or its property, at other employees of the University, or at members of the public while on University premises, or (c) otherwise calls

into question the fitness of the individual to be an employee in terms of job relationship and business necessity.

Criminal Arrests of Employees. An arrest on a felony charge may furnish the basis for discharge, suspension from employment, or leave of absence without pay pending trial upon consideration of a variety of factors including, but not limited to, whether the offense was directed against the University or its property or employees, or while on University premises, whether the individual will be incarcerated pending trial, whether retention of the individual in the position will constitute a danger to others or to him or her, and similar factors. An employee shall not be terminated based solely on the fact of an arrest; however, action may be taken against an employee prior to his/her criminal adjudication based on investigation of the available facts and circumstances if the employing office determines that the alleged conduct occurred, and that it bears significantly on the employee's continued fitness for the position, or if the employee is unavailable to report to work.

#### Incumbent Employees – Ongoing Authorizations.

Consistent with the Fair and Accurate Credit Transactions Act (FACTA), which amended FCRA, a campus, division, or unit may require employees to provide ongoing authorization to obtain updated background checks (consumer reports) at any time during the term of their employment.<sup>15</sup> Use of such checks should be limited to sensitive positions on a job-related basis. Any such requirements should be applied and enforced in a consistent manner across similar positions.

#### Employee Misconduct Investigations.

If the campus, division or unit uses the services of a private contractor to assist in its conduct of "employee misconduct investigations," under FACTA such investigations are not considered "consumer reports" and do not require prior notice or consent under FCRA. Covered investigations pertain to 1) suspected misconduct relating to employment or 2) compliance with Federal, State or local laws and regulations, the rules of a self-regulatory organization, or any pre-existing written University policies.<sup>16</sup>

#### Adverse Action Notice.

However, if investigation information provided by a consumer reporting agency forms the basis for an adverse employment action against an employee, the campus, division, or unit must provide an "adverse action notice" after the action is taken, together with a summary of the investigation report.<sup>17</sup>

#### Questions Regarding Application of the Policy.

Questions regarding interpretation of this policy should be directed to the Office of the General Counsel.

Take link above to see all cited sources and items listed in the appendix, which includes SAMPLE JOB ANNOUNCEMENT LANGUAGE; FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE; AUTHORIZATION TO OBTAIN INVESTIGATIVE/CONSUMER/ CREDIT REPORT; A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT; SAMPLE PRE-ADVERSE ACTION NOTICE; and SAMPLE ADVERSE ACTION NOTICE.

### 2.02.07 Administrative, Professional Staff, and Classified Staff Salaries

*(Revised: September 2014; February 2017; July 2017)*

UASP Link: **440.2 Extra Compensation for Faculty, Non-Classified or Classified, Exempt Employees 4.29.16**

The Chancellor shall have discretion to set the salary of administrative and professional staff within the legislative limits and consistent with education and experience. New hires' salaries shall be comparable to other College position salaries, considering previous education and experience.

The Administration will regularly evaluate the district salary guidelines to determine that it is adequate to attract, hold, and fairly compensate the caliber of employee essential to an educational program of excellence.

In accordance with Arkansas Code 19-4-1610, UA Rich Mountain does not increase salaries retroactively, except as permitted for administrative error, which includes salary corrections due to inequities.

The Arkansas Department of Higher Education (ADHE) sets classified staff salaries. The Chancellor will recommend classified staff salary increases consistent with procedures and directives of ADHE.

### 2.02.08 Faculty Salaries

*(Adopted: March 2004; Revised: November 2008, January 2016, January 2018)*

UASP Link: **440.2 Extra Compensation for Faculty, Non-Classified or Classified, Exempt Employees 4.29.16**

The Chancellor, in consultation with the CAO, shall have discretion to set the salary of faculty within the legislative limits and consistent with education and experience. Qualifying educational attainment shall warrant consideration for a salary increase when appropriate notification is made.

Eleventh (11<sup>th</sup>) day headcount enrollment in the Fall/Spring and the equivalent fourth (4<sup>th</sup>) day headcount enrollment in the summer sessions as reported to the state will be used to calculate overload and adjunct faculty salaries.

#### Faculty overload and adjunct faculty salaries

##### *Faculty overload guidelines and pay scale schedule*

In the discussion of faculty overload compensation, there must be a firm understanding of what constitutes normal expected teaching load for the faculty

member. Different disciplines and different programs have a variety of expectations of load due to several factors. These factors include:

1. Lecture classes vs. lecture/lab classes
2. Labs which may be taught several ways including:
  - a. Direct instruction by the teacher of record
  - b. Direct instruction by a lab assistant or proctor without the instructor of record
  - c. Self-paced learning supervised by the teacher of record
  - d. Self-paced learning with little or no supervision (open lab concept)
3. Professional programs which include a variety of clinical teaching and supervision expectations as part of the normal work load.
4. AAS technical programs which include a variety of hands-on shop or learning lab teaching and supervision expectations as part of the load.

This overload policy exempts professional programs and certain AAS programs from the policy formula due to the combination of lecture and lab hours in the curriculum. The overload policy addresses the faculty teaching primarily general education lecture or lecture/lab courses as their instructional assignment. At this time, the exemptions to the overload policy include faculty teaching welding, machine tool, advanced manufacturing, cosmetology, nursing, culinary arts, and EMT.

#### *Expected teaching duties and overload*

1. All faculty members agree, by signing their letter of appointment, to fulfill all responsibilities necessary to teach the normal load for the contracted salary. These responsibilities include but are not limited to:
  - Course preparation including textbook selection, supplemental teaching materials selection, syllabi production, teaching plans, and continued study of the field.
  - Assessment of student learning with timely and appropriate feedback to students.
  - Participating in institutional expectations such as committee meetings, task forces, accreditation activities, program recruitment, advising, registration, graduation exercises, and professional development activities.
2. The normal load is fifteen (15) credit hours and seventy-five students.
3. Overload calculations shall be used to produce fair and equitable overload compensation to the degree possible with varying course content and student enrollments. Overload compensation for full time faculty (except for those listed above) shall be calculated in the following manner:
  - a. Instructors with a calculated faculty load factor of .749 or less for the semester will not be eligible for overload. In this situation, courses may be added to the instructor load to increase the load factor without additional compensation.
  - b. Instructors with a calculated faculty load factor of .750 to .999 with fifteen credit hours may be eligible for overload compensation of \$450 per credit hour for a maximum of six (6) credit hours.

- c. Instructors with a calculated faculty load factor greater than 1.000 with fifteen credit hours may be eligible for overload compensation of \$450 per credit hour for a maximum of six (6) credit hours and \$20 per student over 75 total students enrolled.
- d. Courses with enrollments of less than nine (9) students are subject to cancellation at the discretion of the CAO. If such a course is approved due to student need, the faculty will receive \$50 per credit hour per student.
- e. Physical education courses pay the instructor at \$50 per contact hour per student.
- f. Instructors will be limited to two (2) overload courses. Exceptions can be made with CAO approval depending on enrollment numbers in the course or independent study situations.

*Adjunct Salary (all semesters—fall, spring, and summer)*

- \$450 per credit hour for lecture or lecture/lab class
  - Minimum enrollment of 9 students—if enrollment is under 9 students and if the class is approved, then \$50 per student per credit hour as approved by the CAO.
  - Enrollment of over 17 (18+) pays \$500 per credit hour.
- \$650 per lab class if the adjunct teaches only the lab portion of a science class
  - Minimum enrollment of 8 students—if enrollment is under 8 students and if the class is approved, then \$75 per student per lab credit hour as approved by the CAO.
  - Enrollment of over 17 (18+) pays \$700 per lab class.

*Summer salary for full-time faculty or employees of the college*

- \$600 per credit hour for lecture or lecture/lab courses
  - Minimum enrollment of 8 students—if enrollment is under 8 students and if the class is approved, then \$75 per student per credit hour as approved by the CAO.
  - Enrollment of over 17 (18+) pays \$700 per credit hour.

## 2.02.09 Employee Responsibility to the Chancellor

*(Revised: December 2010; February 2017)*

Each UA Rich Mountain employee shall be responsible to the Chancellor.



## ARTICLE III – BUSINESS & NON-INSTRUCTIONAL OPERATIONS

### 3.01 Planning and Budgeting

#### 3.01.01 Planning

*(Adopted: April 2004; February 2017)*

The Chancellor, in collaboration with administration, faculty, and staff, establishes a strategic planning process that:

- Provides for the development or review and revision of the College's mission, vision, values, role, scope, and goals.
- Provides for input from the college service area constituencies (administration, faculty, staff, BOV, community, business/industry, government, etc.).
- Meshes planning with budgeting.
- Provides for systematic review of accomplishments.
- Provides for systematic review and revision.

#### 3.01.02 Planning Approval

*(Adopted: April 2004; February 2017)*

The mission, vision, values, role and scope, and strategic goals as developed or revised in substance shall be submitted to the President of the UA System for approval.

#### 3.01.03 Budget Preparation and Adoption

*(Revised: September 2014; February 2017)*

UAS Link: [370.1 Budgeting 1.24.14](#)

UA Rich Mountain will adhere to the budgetary submission process as prescribed by the UA System Policy 370.I.

The responsibility of designing procedures at the campus level for the full implementation of such a budgetary process belongs to the college Chancellor and the Chief Fiscal Officer (CFO).

The CFO shall provide summary financial updates in an appropriate format for UA Board of Trustees meetings and local Board of Visitors meetings.



## 3.02 Fiscal Policies

### 3.02.01 Fiscal Year

*(Revised: December 2010)*

The fiscal year for the College shall commence on the first day of July in each year and shall end on the thirtieth day of June of the succeeding calendar year.

### 3.02.02 Fiscal Operating Budget

*(Revised: December 2010; February 2017)*

UAS Link: [370.1 Budgeting 1.24.14](#)

The College is to submit proposed budget to the President and Board of Trustees on an annual basis at a meeting designated by the Board prior to the start of each fiscal year.

On a quarterly basis, the College will prepare a report comparing actual amounts to the budget in a format specified by the Vice President of Finance for the System. The report will include an Executive Narrative explaining budget adjustments and significant variances between actual and budgeted amounts.

The approval of a budget does not waive statutory, policy, or other restrictions for expending funds.

See full policy for budget controls and budget revisions.

### 3.02.03 Purchasing

*(Revised: December 2010; February 2017)*

UA Rich Mountain will operate under the purchasing laws of the State of Arkansas and under the regulations of the Office of State Procurement of the Department of Finance and Administration (DF&A) as outlined in the Business Office Procedure Manual.

The Chancellor shall delegate the right to purchase equipment and supplies used by the College.

### 3.02.04 Equipment and Fixed Asset Accountability

*(Merged: September 2014)*

UA Rich Mountain follows the capitalization threshold as set by DF&A. Any purchase over the current threshold is considered equipment or a fixed asset and will be inventoried according to UA Rich Mountain inventory procedures as listed in the *Business Office Procedures Manual*.

### 3.02.05 Official College Functions

*(Adopted: February 1991; Revised: December 2010; February 2017)*

UAS Link: [260.1 Official Functions Policy 9.19.02](#)

To assure accurate accounting of state-appropriated funds, the Chancellor shall take responsibility for, or shall designate an individual who shall take responsibility for, each expenditure of state-appropriated funds for official functions. Where practical, official functions shall be budgeted on a unit-wide basis.

Events falling within the "Official Functions" designation fit one or more of these categories:

1. Meetings of official institutional (in-house) committees and advisory groups;
2. Meetings of official external committees and advisory groups;
3. Receptions, honors, and staff functions;
4. Faculty and staff functions;
5. Student functions;
6. Official Board functions; or
7. Miscellaneous functions in support of the College's mission not obviously fitting one of these categories.

Examples of appropriate expenditures include, but are not limited to, those for refreshments or meals for groups which include institutional representatives and persons being considered for employment; persons conducting accreditation visits; persons meeting as volunteers giving their time in an advisory capacity to the institution; special guests or awardees; students at banquets or awards ceremonies; faculty and staff at a limited number of functions; and persons involved in meetings or events associated with the work of the Board of Visitors and/or the UA System Board of Trustees.

Expenditures of state appropriated funds for official functions should never include these types of activities:

1. Expenses for individuals related to membership in local clubs, social, or community organizations;
2. Dues for individuals to professional organizations (except where approved by the President through University wide Administrative Memorandum);
3. Holiday cards or other similar printed greetings to College constituents.
4. Alcoholic beverages; or
5. Expenses associated with any event that primarily celebrates the anniversary, wedding, or other significant moment in the life of an individual employee.

### 3.02.06 Audit

*(Revised: December 2010; February 2017)*

UAS Link: [365.1 Financial Accounting and Reporting 1.24.14](#)

Financial accounts and reports are subject to audit by the Arkansas Division of Legislative Audit and external audit firms hired by the UA System Board of Trustees Audit Committee, the Internal Audit Department, and other federal audit agencies.

### 3.02.07 Financial Reports

*(Revised: April 2004; February 2017)*

UAS Link: [365.1 Financial Accounting and Reporting 1.24.14](#)

The Chief Fiscal Officer (CFO) is directly responsible for the effective performance of the financial accounting and reporting duties assigned to them. The CFO is responsible for assuring campus compliance with accounting standards and reporting requirements, including establishing and documenting a system of internal controls for the campus. Any unusual or questioned accounting issues should be referred to the Vice President for Finance of the System for determination and final approval of the appropriate treatment.

The CFO is responsible for maintaining the official financial records of the campus and is the central office of accounting control for all fiscal transactions of the campus.

Monthly departmental accounting is intended to provide up-to-date financial information for departmental officials and to ensure that expenditures and/or encumbrances do not exceed budget allocations.

Internal financial reports considered essential for effective administration by the various campuses and those external reports required by outside agencies will be prepared under the direction of the campus CFO. Such reports issued at the System level will be prepared under the direction of the UA System Vice President of Finance.

### 3.02.08 Collections

*(Revised: April 2004)*

All collections of money shall be handled in the manner prescribed by college policy and consistent with appropriate accounting procedures and State and Federal regulations.

### 3.02.09 Deposits

*(Revised: December 2010)*

All cash or checks received shall be entered in the records as received using sequentially numbered receipts (or a mechanical equivalent), a copy of which shall be made part of the permanent records of the College.

### 3.02.10 Cash Payments

*(Revised: December 2010)*

No direct cash payment shall be permitted from receipts for any reason. All monies received by College employees shall be deposited into the appropriate College bank account at least once a week and more often, if necessary, to prevent accumulations of cash on hand.

### 3.02.11 Investment of Surplus Funds

*(Revised: December 2010)*

The Chancellor, in consultation with the Chief Fiscal Officer, shall be authorized to invest all surplus funds deemed advisable in a manner allowed under the State statutes to obtain the best return to the College.

### 3.02.12 Payables

*(Revised: December 2010)*

All expenses of the College shall be paid by check or warrant under regulations outlined in the State Accounting Procedures Manual. Each supporting voucher shall state the budget account against which the warrant or check is drawn, and appropriate invoices shall accompany said voucher. All vouchers and checks shall be signed by the Chancellor or the Administrator authorized by the Chancellor to do so.

### 3.02.13 Paychecks

*(Revised: April 2004)*

Warrants shall be issued according to the schedule established by the College, which is in compliance with State policy, procedure, and code.

### 3.02.14 Travel Expenses – Non-College Personnel

*(Revised: April 2004)*

Documented travel expenses of persons other than college employees who are called upon to contribute time and services as consultants and/or advisors may be authorized by the Chancellor.

### 3.02.15 Bond for Employees

The Chief Fiscal Officer shall be bonded as required by the Auditor of the State. The Administration shall carry a blanket bond covering all College employees.

### 3.02.16 Management of Grant Programs

*(Merged: September 2014)*

In order to prevent the charging of unallowable costs to a grant, each grant program will have a director/coordinator appointed. The director/coordinator is responsible for management of the program, being familiar with the governing regulations of the grant, and providing approval of all costs. The Vice Chancellor of the area of the grant is also responsible for being familiar with the regulations regarding approved activities and material for purchase. Any question or concern shall be brought to the attention of the Chancellor upon discovery.

The college financial policies are reviewed annually through an audit process that validates policies and procedures designed to prevent exceptions. The CFO reconciles grants for cash management on a frequency basis depending on the grant.

Each grant will comply with program guidelines in the purchasing of property (equipment and materials). Any disposition of equipment of college inventory property is completed according to the program-specific guidelines and completed through the CFO's office.

### 3.02.17 Record Retention

(Merged: September 2014, Revised October 2022)

UASP Link: [270.1 Archival Records and Manuscript Collections 4.29.16](#)

The College should follow the University of Arkansas Rich Mountain community college record retention guidelines. Archival records shall be maintained by the Office of the Chancellor with records kept digitally, stored in the College vault when deemed necessary, and, in some cases, paper copies made available in the Resource Room collection in the Library.

## 3.03 Student Financial Matters

### 3.03.01 Scholarships Funds

(Revised: December 2010; February 2017)

The College encourages the community to donate funds to be used for student scholarships.

The Chancellor may delegate the responsibility for these funds to the appropriate personnel.

The Business Office shall be responsible for the accounting of said funds according to State statutes.

### 3.03.02 Student Club and Organization Accounts

(Revised: December 2010; September 2014)

All income secured through student club and organization activities shall be immediately turned over to the Business Office for deposit. All requests for purchases from these funds shall be approved by the appropriate administrator or advisor and then submitted to the Business Office.

Stale student club and organization account balances shall be rolled into the student activities fund account after four inactive (non-summer) semesters.

### 3.03.03 Tuition and Fees

(Revised July 1985; December 2010, February 2013; February 2017)

UAS Link: [520.4 Registration Fees and Tuition for All Campuses 3.30.16](#)

Tuition and fees shall be prepared and presented to the UA System as a component of the proposed budget for the upcoming academic year using the timeline established by the System.

#### [520.4 Registration Fees and Tuition for All Campuses 3.30.16](#)

All tuition and fees will be approved by the Board of Trustees and fully documented in the minutes of the meetings at which such approval is granted, with the following exception. An exception is granted for program-specific fees for credit offerings at off-campus sites that allow the President to approve, and subsequently report to the Board, the rate that shall be charged to participants.

### 3.03.04 Students, College Property, and Fiscal Responsibilities

*(Revised: December 2010)*

All loss, breakage, or damage to college property that is deemed the responsibility of a student as determined by the instructor or administrative staff shall be charged to the student's account in a fair and equitable manner.

All funds collected for loss, breakage or damage to college property will be turned over to the Business Office for deposit. These funds are college funds and will be accounted for in the proper manner.

### 3.03.05 Student Insurance

*(Revised: December 2010)*

Accident insurance shall be provided covering students who are participating in classes, shops, or field trips under supervision of College personnel.

Malpractice insurance is required for all nursing students. Malpractice insurance shall be available through the College; premiums shall be paid by the student.

## 3.04 Facilities and Property

### 3.04.01 Safe Campus and Emergency Response

(Merged: September 2014; February 2017)

It is the goal of UA Rich Mountain to provide a safe environment and continuously evaluate the workplace for improvements. Protection of employees, the public, and the college is paramount. Implementing safe practices in all operations is the responsibility of the college community and the individual.

Emergency is defined as any unplanned event that can cause death or injury to faculty, staff, students, or the public or that can shut down the college, disrupt operations, or cause physical damage.

In the event of any emergency, each employee is expected to follow the condensed version *Emergency Procedures* posted in each classroom and/or the *Emergency Response and Evacuation Procedures Manual* (located in administrator's offices and online) which includes essential personnel with contact information, instructions for specific situations, evacuation routes, safe areas, severe weather shelters, etc.

UA Rich Mountain will cooperate with local, state, and federal officials during any emergency giving their instructions precedence over our procedures.

### 3.04.02 Leasing

(Revised: December 2010; July 2017)

UAS Link: [300.1 Contracting Authority 3.30.17](#)

UAS: [300.1 Contracting Authority 3.30.17 excerpt](#)

#### IV. Lease or Rental Agreements

The President is authorized to delegate, or withdraw such delegation, to the Chancellor the authority to lease, rent, or license real property owned by the University for residential purposes, for University-related programs or activities, or for other purposes approved by the President. Any such lease, license, facility use, or rental agreement shall be on a standard form reviewed and approved by the General Counsel and shall not exceed a term of two years. Prior to execution of a lease, license, or facility use or rental agreement, the Vice Chancellor for Finance and Administration or other appropriate administrator shall confirm that the lease or other document does not violate private activity use restrictions for tax exempt bond-financed facilities.

The President is authorized to delegate, or withdraw such delegation, to the Chancellor the authority to lease property in the name of the University of Arkansas for use by a campus for activities in the normal course of operations when it is deemed that the efficiency, effectiveness, and best interests of the University will be well served by such delegation. Such

agreements must receive appropriate legal review or be entered into upon standard contract forms developed, or approved for such purposes, by the General Counsel of the University. The President shall not delegate authority to lease property for use by the University for a term in excess of two years or for payments over the term of the lease in excess of \$500,000.

The purchasing agent may contract for the leasing of furniture, school apparatus, other supplies and equipment, and services as prescribed by law and regulations of the Office of State Procurement.

### 3.04.03 Sale of College Property

*(Revised: December 2010)*

College personal property not required for school purposes may be sold upon authorization by DF&A in keeping with Arkansas statutes.

### 3.04.04 Gifts Presented to the College

*(Revised: December 2010; February 2017)*

The Chancellor is authorized to accept gifts in the name of the College.

### 3.04.05 Campus Planning and Construction

*(Revised: December 2010; February 2017)*

The College shall follow UA System planning- and construction-related policies.

UAS Link: [730.1 Procedure for Capital Projects 4.26.01](#)

UAS Link: [730.2 Selection of Design Professionals and General Contractor or Construction Manager for Major Capital Projects 4.26.01](#)

UAS Link: [740.1 Procedure for Selection of Architects or Engineers for Capital Projects 10.2.01](#)

UAS Link: [740.2 Procedure for Selection of On-Call Architects or Engineers 9.22.07](#)

1. On-call architects or engineers for deferred maintenance or minor renovation projects shall be selected in accordance with Board Policy 740.1.
2. The professional services contract with such design professional or professionals shall be for a term of one (1) year and may be renewed annually. No retainer or other fee shall be paid except those associated with specific deferred maintenance or minor renovation projects and the firm or firms selected to provide on-call architectural or engineering services shall not, by virtue of such contract, be assured of any specific amount of work under such contract. Contracts for on-call architectural or engineering services shall not provide expressly or by implication that the design professional or professionals providing such services will be awarded a contract for new construction or renovation related to or arising out of



services performed under such contracts for deferred maintenance or minor renovation projects.

3. As used herein "deferred maintenance or minor renovation projects" shall mean a project, the estimated cost of which does not exceed \$1,000,000 as defined in Arkansas Code Annotated 19-11-1001. A specific deferred maintenance or minor renovation project or projects in excess of this amount must be approved by the President. Deferred maintenance or minor renovation projects shall not be subject to Board Policy 730.1, Procedure for Capital Projects.

UAS Link: [750.1 Capital Construction Renovation Energy Conservation Policy 4.16.10](#)

The University of Arkansas is committed to the principles of energy conservation through the establishment of policies and procedures for sustainable design, construction and renovation of major facilities. Incorporating principles of sustainability in building design will enhance the efficient management of resources, reduce waste, protect health and indoor environmental quality, and reduce the long-term costs of operating buildings. For purposes of this policy, "major construction" is a construction project larger than 20,000 square feet; "major renovation" is a renovation project larger than 20,000 square feet and which costs more than 50% of the building's replacement value.

The President shall constitute a committee to develop and implement energy savings policies for major capital construction and major renovation projects. The Facilities Committee shall consist of at least five members, one of whom shall be the Vice President for Administration and may include campus representatives, as determined by the Chancellors, in consultation with the President.

The Facilities Committee is charged with the development of specific performance criteria and goals for the sustainable design, construction and renovation of major facilities that ensure sustainable, energy-efficient buildings that are based on recognized, consensual standards with a scientifically proven basis and history of successful performance as set forth in Act 1494 of 2009.

To verify the performance of a building component or system, and ensure that design requirements are met upon completion of construction, building or system commissioning practices tailored to the size and complexity of the facility and its system components shall be employed.

Measurements of energy performance based upon metered data for electricity, natural gas, fuel oil, and water shall be performed for the first full year after construction for comparison with the targeted energy goals. This report shall be presented to the Board of Trustees for review.

### 3.04.06 Naming Buildings

*(Revised: December 7, 2010; September 2014; February 2017)*

UAS Link: [720.1 Naming Buildings 12.8.56](#)

When a University building is to be named in honor of some individual, it shall be named in memory of a person who, during his or her lifetime, gave significant service to the University, except that (1) the Board endorses in principle the naming of a building for an individual who, from his or her personal resources, has made a substantial contribution, in relation to total costs, toward construction of said building, and (2) the Board will consider without prejudice, when circumstances warrant, the naming of a building for an emeritus faculty or staff member who has spent a large part of his or her professional career in the service of the University and who, during a certain period of service, made noteworthy contributions to the progress and welfare of the University.

### 3.04.07 Identifying Buildings

*(New: February 2017)*

UAS Link: [725.1 Identifying Buildings 10.2.92](#)

Each major building or facility of the University, on each of its campuses, shall be appropriately marked by a plaque, cornerstone, inscription, or other form of written memorial of a permanent nature which shall serve both as an identification for the public and as a historical record.

In the letting of each construction contract for a major University building or facility, the architect shall be instructed to include in the plans and specifications a provision for an appropriate plaque or other inscription to be affixed to the building or facility.

In every instance, the plaque should include the "University of Arkansas" with the campus designation; the name of the building, as approved by the Board of Trustees; and the names of the Governor of Arkansas, the President of the University, and the Chancellor of the campus who were serving at the time the construction contract was awarded. The Board of Trustees serving at the time the contract was awarded shall also be listed. The name of the architect, the contractor, the year of completion, and the University seal may appear at the bottom of the plaque.

### 3.04.08 Weapons

*(New: August 2017)*

UASP Link: [290.1 Weapons 8.25.17](#)

Possession, discharge, or other use of any weapon is prohibited on the grounds or in the buildings of any campus, division, unit or other area controlled by the University of Arkansas System, except that a handgun may be possessed by an individual who has a concealed handgun permit

and has completed enhanced certification training in accordance with Ark. Code Ann. §5-73-322(g). Storage of any weapon, including handguns, is prohibited at any location owned or operated by any campus, division or unit of the University of Arkansas System, except that a concealed handgun may be stored in a licensee's locked and unattended motor vehicle.

#### Definitions

A weapon is any object designed or used for inflicting bodily harm or physical damage. Weapons include, but are not limited to: firearms, air pistols, air rifles, fireworks, incendiary devices, knives with a blade length of four inches or greater, blackjacks, metal knuckles, bows, arrows, nunchucks, tasers or other electrical stun devices, or any other such offensive objects.

Ark. Code Ann. § 5-73-309 defines a handgun as "any firearm, other than a fully automatic firearm, with a barrel length of less than twelve inches (12") that is designed, made, or adapted to be fired with one (1) hand." A concealed handgun must be covered from observation so as to prevent public view.

#### Exceptions

Carrying a concealed weapon at the following locations and events is prohibited, whether or not a person obtains enhanced licensure:

1. UAMS and collegiate athletic events as defined by Ark. Code Ann. § 5-73-101(11), provided they are posted as firearm sensitive areas and have a security plan approved by the Arkansas State Police.
2. A public K-12 school, prekindergarten, or daycare facility
3. Grievance or disciplinary meetings conducted in accordance with certain specifications of Act 562

In accordance with Ark. Code Ann. §§ 5-73-306 and -322, campus, division and unit policies shall specify locations, such as those identified above, at which individuals remain prohibited from carrying concealed handguns, and appropriate signage will be displayed.

This policy also does not apply to:

1. Law enforcement officers or other security personnel employed or contracted by a campus, division or unit of the UA System who are specifically authorized to carry a weapon in the scope of their employment.
2. Non-university law enforcement officers employed by local, state or federal law enforcement agencies engaged in work on university property and required to carry a weapon in the scope of their duties.

The campuses, divisions and units of the UA System are authorized to establish policies that create other specific exemptions permitting the use

and storage of weapons related to the scope of an individual's employment or to regular educational or recreational activities conducted under the supervision of appropriate university personnel. Campus policies established under this subsection must be reviewed by the Office of General Counsel.

#### Conduct of Licensed Concealed Carry Holders with Enhanced Certifications

Ark. Code Ann. §§ 5-73-322(j) specifies that unless an employee is required to carry a concealed handgun as part of the employee's specific job duties, any possession or use of a concealed handgun by the employee is not considered to be within the scope of employment with the University. As such, any employee who chooses to possess or use a concealed handgun is acting in the employee's individual capacity and not as an agent of the University, and is not immune from personal liability with respect to possession or use of the concealed handgun. If the employee is injured by his or her own negligence in possessing or using a concealed handgun in the workplace, he or she will not be entitled to worker's compensation.

1. A person with a license and enhanced certification to carry a concealed handgun on campus;
2. Must comply with all relevant federal or state laws;
3. Must conceal the weapon at all times;
4. Must maintain possession and control of the weapon at all times, unless the weapon is stored in a locked and unattended vehicle;
5. May not intentionally display or use the handgun in a threatening manner unless such display or use is allowed by federal or state law; and
6. May not discharge a concealed handgun on the grounds or in the building of any campus, division, unit or other area controlled by the University of Arkansas System unless such discharge is allowed by law.

#### Enforcement

Violations of the weapons policy or state law regarding carrying concealed handguns may result in disciplinary action, up to and including termination for employees, and up to and including dismissal from the University for students.

Violations of the weapons policy or state law regarding carrying concealed handguns by contractors or visitors may result in the violator being removed from a University campus, unit or division.

The various campuses, units and divisions of the University may adopt more specific guidance consistent with and in furtherance of this policy. Such policies must be reviewed by the Office of General Counsel.

## ARTICLE IV – PERSONNEL

### 4.01 Employment and Personnel Matters

#### 4.01.01 Fair Employment Practice (Nondiscrimination)

*(Revised: December 2010; September 2014; July 2017)*

UA Rich Mountain will not discriminate against any individual on the basis of race, gender, color, creed, religion, ethnic origin, age, or disability in any of its educational programs or activities, employment by, or promotion within the College. The College shall comply with Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Drug-Free Schools Act; the Drug-Free Workplace Act; Section 504 of the Rehabilitation Act of 1973; the Americans with Disability Act; the Family Educational Rights and Privacy Act; the Student Right to Know Act; the Campus Security Act; and all other applicable state and federal laws, rules, and regulations.

UA Rich Mountain does not discriminate on the basis of disability in admission or access to, or treatment of employment in its programs and activities.

The Chancellor shall appoint the Administrator responsible for the College's compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Persons applying for positions at UA Rich Mountain shall be considered for recommendation by the Chancellor.

#### 4.01.02 University Code of Ethical Conduct

*(Merged: September 2014; January 2018)*

UAS Link: [335.1 University Code of Ethical Conduct 1.24.2014](#)

##### I. Introduction

The University of Arkansas System recognizes that its reputation is one of its most valuable assets and is committed to maintaining the trust and confidence of both the University community and the citizens of the State of Arkansas. Therefore, the University of Arkansas System requires its employees to meet certain ethical standards.

Employees shall conduct themselves in a manner that strengthens the public's trust and confidence by adhering to the following principles:

- conduct that is beyond reproach and integrity of the highest caliber;
- honesty and fairness; and
- accountability, transparency and commitment to compliance.

##### II. Scope

This Code of Ethical Conduct applies to all University employees. It is intended to apply across the University at all affiliates. This Code may be amended or supplemented from time to time by the Board of Trustees.

III. Purpose

This Code of Ethical Conduct serves (1) to emphasize the University's commitment to ethical conduct and compliance with the law; (2) to set forth basic standards of ethical behavior; (3) to provide reporting mechanisms for known or suspected ethical violations; and (4) to help prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the University's business, this Code can serve only as a general guide. Confronted with ethically ambiguous situations, employees should keep in mind the University's commitment to the highest ethical standards and seek advice from appropriate levels of University administration so as to ensure that this commitment is honored at all times.

IV. Ethical Standards

A. Compliance with Laws, Rules, and Regulations

Obedying the law, both in letter and in spirit, is the foundation on which the University's ethical standards are built. In conducting the affairs of the University, employees must comply with applicable laws, rules, and regulations at all levels of government in the United States and in any other jurisdiction in which the University does business. Although employees are not expected to know all the details of these laws, it is important to know enough about applicable federal, state, and local laws to determine when to seek advice from appropriate levels of the University's administration.

B. Fair Dealing

Whenever they act on the University's behalf, and regardless of whether they are dealing with colleagues or third parties, employees are required to act honestly, in good faith, and with professionalism. No employee may take unfair advantage of another person through unlawful harassment, manipulation, abuse of privileged information, misrepresentation of material facts, or any other unfair practice.

C. Protection and Proper Use of University Resources

Employees owe a duty to the University to advance its legitimate interests whenever possible, and they are prohibited from taking for themselves, or members of their immediate family, opportunities that are discovered through the use of University property, information, or position without the prior written consent of the University. No employee may use University property, information, or position for improper personal gain, and no employee may directly or indirectly compete with the University.

Employees should protect the University's assets and ensure their proper and efficient use. University facilities and equipment should not be used for unauthorized non-University business. The obligation of employees to protect the University's assets includes, but is not limited to, its proprietary information. Proprietary information can include intellectual property such as patents, trademarks, and copyrights, as well as business plans, databases, records, employment information, and any unpublished financial data and reports. Unauthorized use of this information violates this University policy.

D. Timely and Truthful Public Disclosures

Employees involved in the preparation of reports and documents (and information included therein) filed with or submitted to federal, state, and local authorities by the University are required to make disclosures that are full, fair, accurate, timely, and understandable. They may not knowingly conceal or falsify information, misrepresent material facts, or omit material facts. These same obligations also apply to other public communications made by the University.

To ensure transparency, sound business practice, and compliance with law, and because of its obligations as an organization entrusted with government and private funds, the University depends on rigorous observance of internal control, generally accepted accounting principles, financial recordkeeping and reporting policies, and on the maintenance of internal audit and compliance mechanisms. University employees must record, allocate, and document revenue, expenditures, time, effort and other information in a way that is accurate, clear, complete and timely.

V. Administration

A. In General

This Code of Ethical Conduct has been adopted by the Board of Trustees of the University of Arkansas and is to be administered at the direction of the President. Each campus or unit may implement policies that supplement this policy, but each must be approved by the President. In the event of a conflict between this policy and those of a campus or unit, this policy will control.

B. Attestation

Employees will be asked to sign a statement at the start of employment declaring that they have read, understood and will comply with this policy. Each campus or unit will establish procedures for the method of obtaining and maintaining these statements.

C. Reporting Known or Suspected Violations

Employees are required to report promptly any known or suspected violations of this Code to the University's administration, the campus or



unit compliance officials, the Office of the General Counsel and/or the Internal Audit Department. No retaliatory action of any kind will be permitted against anyone making such a report in good faith. The University will strictly enforce this prohibition.

D. Accountability for Violations

If this Code has been violated, including (without limitation) by failure to report a violation or by withholding information relating to a violation, the offending employee may be disciplined, with penalties up to and including termination of employment. Violations of this Code may also constitute violations of law and may result in criminal and/or civil liability for the offending employee and the University. All employees are required to cooperate in internal investigations of possible misconduct.

VI. Guidance

All employees must work together to ensure prompt and consistent enforcement of this Code of Ethical Conduct. In some situations, it may be difficult to know if a violation has occurred. Because it is impossible to anticipate every situation that will arise, it is important to be able to approach a new question or problem with confidence. Employees having questions about their obligations under this Code should consult the University's administration and/or the Office of the General Counsel.

4.01.03 Applying for Different Positions and Internal Transfers

*(Revised: December 2010; September 2014; July 2017; December 2018))*

Current employees may apply for vacant positions.

A position vacancy may be announced internally prior to outside advertising. The decision for internal announcement, without explanation, will be made by the Chancellor and the Vice Chancellor of the area to which the position reports. This policy provides employees the opportunity for consideration prior to external advertising for a position in which they meet the minimum qualifications stated in the position description.

When a decision is made for an internal announcement, the following process shall be followed:

1. The position will be announced via e-mail.
2. The internal announcement shall be open for a minimum of two days and no more than seven days.
3. Any employee interested in the position must meet with their supervisor and Vice Chancellor to inform them of their intent.
4. The employee must submit a letter or e-mail regarding their interest along with a current resume to HR and the Chancellor.



5. The request will be reviewed by the Chancellor and the Vice Chancellor in consultation with HR.
6. The applicant review will result in one of the following:
  1. The employee will be invited for an interview, or
  2. The decision will be made to open the position for external applications. The employee's letter and resume will be included in the full search pool unless withdrawn by the employee.
7. The external search process and search committee charges are located in *Governance Through Committees*.

If a decision is made for a full search with no internal announcement, the College's search procedures will begin.

In all searches, selections shall be made on the basis of merit and not on the basis of seniority.

This policy in no way limits or impacts the Chancellor's authority to make an internal transfer as deemed to be in the best interest of the College.

Approval for transfer shall be made by the Chancellor.

#### 4.01.04 Personnel Reassignment

*(Adopted: December 2010; July 2017)*

An employee may be reassigned, if, in the judgment of the College Administration, the best interests of the College are served by such reassignment. Reasons for reassignment include, but are not limited to the following:

- Enrollment changes
- College restructuring or redirection
- Institutional effectiveness
- Working relationships

Approval for reassignment shall be made by the Chancellor.

#### 4.01.05 Nepotism - Employment of Relatives

*(Adopted January 2001; Revised: December 2010; September 2014; July 2017)*

UAS Link: [410.1 Nepotism 6.9.00](#)

The UA System recognizes that potential conflicts of interest may exist when the University, particularly in the same department, unit, or division, employs members of the same immediate family. To avoid conflicts of interest, which may result from such employment, immediate family members should not participate in decisions to hire, retain, promote or determine the salary of the other. It is the responsibility of the Chancellor to assure that one immediate family member shall not have direction or supervision of the other and shall not participate in decisions to hire, retain, promote or

determine the salary of the other. Exceptions to this policy may be made in writing with justification by the President or Chancellor. Exceptions involving immediate family members of a Chancellor shall be made by the President. For purposes of this policy, "immediate family member" shall mean an employee's spouse, children of the employee or his or her spouse, and brothers, sisters, uncles, aunts, nieces, nephews, or parents, whether by blood or marriage, of the employee or his or her spouse.

This policy is supplementary to any provisions of applicable law.

#### 4.01.06 Part-Time Employees

*(Revised: December 2010; September 2014; July 2017)*

The Chancellor or designated representatives are authorized to interview, select, and make payment to part-time employees. Part-time employees are hired at the will of the institution and can be let go for any reason at any time. Wages of such employees are to be paid out of budgeted funds and properly reported in the monthly financials.

#### 4.01.07 Dismissal of Personnel

*(Revised: December 2010; September 2014; July 2017; September 2017; July 2018)*

UAS Link: [405.1 Appointments, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty 10.2.01](#)

UAS Link: [405.4 Employment Periods 9.18.98](#)

UAS Link: [405.5 Retrenchment 11.12.93](#)

UAS Link: [405.6 Termination of Employment 5.23.13](#)

UASP Link: [405.6 Termination of Employment 8.25.17](#)

See also, UA Rich Mountain policy 2.02.03.

Arkansas is an at-will employment state. Except in those cases where, in the judgment of the Chancellor, whether for cause or the welfare of the College demands immediate dismissal, the written notification of termination of employment timeline will be followed.

#### [405.4 Employment Periods 9.18.98 excerpt](#)

2. (A) Administrative positions are to receive written notice thirty days in advance of the date the employment is to cease;
2. (C) Faculty members and other academic employees receive sixty days in advance;
3. Staff employees are to receive thirty days advance notice;
4. Students and hourly employees may be terminated at any time without notice.

#### [405.5 Retrenchment 11.12.93 excerpt](#)

Retrenchment is a reduction in programs and/or services which results in the termination of employment only because of (1) a bona fide financial exigency or (2) formal academic planning including Board approved

changes in institutional missions, substantial program changes, or major reallocations of resources for academic or support services....

The Chancellor shall follow the System process for documentation, review, and recommendation for presenting to the UA System "President, who will report the results of the campus deliberation, along with his/her own recommendations, to the Board of Trustees for action." Refer to the complete retrenchment policy for further details.

#### UAS 405.6 Termination of Employment 5.23.13

An employee who has been dismissed for cause or who has been designated by their campus or division as not eligible for re-hire shall not be eligible for re-employment within any of the University of Arkansas System's campuses, units, or divisions.

#### UASP 405.6 Termination of Employment 8.25.17

Under Board Policy 405.6, *Termination of Employment at the University of Arkansas*, an employee who has been dismissed for cause or who has been designated by their campus, unit, or division as not eligible for re-hire shall not be eligible for re-employment within any of the University of Arkansas System's campuses, units, or divisions. The following procedure is established in furtherance of this policy.

1. A campus or unit may designate an employee who resigns or who is terminated with notice as ineligible for rehire if it is in the best interest of the University based on the facts and circumstances of the individual's employment. In all instances, each campus, unit, or division must designate the employee as ineligible for rehire in an appropriate record.
2. Employees designated as ineligible for rehire under section 1 must be notified that they are receiving this designation and be given an opportunity to seek review of the designation under the applicable policies or procedures established at each campus, unit or division. As a general practice, employees should be notified of this designation on or before their last date of employment. If notification on or before the last date of employment is not possible, notification must be sent in writing within five days of the designation.
3. The human resource manager of each campus, unit, or division shall be responsible for establishing procedures to maintain a record of individuals who are designated as ineligible for re-hire, and to communicate such information to another University of Arkansas campus, unit or division when a verification request is received. This information should only be disclosed to individuals at the employee's campus or within the University of Arkansas System who are authorized to access or receive confidential employee records. This information should not be communicated outside the University of Arkansas System unless the request is made or authorized by the former employee or required by law. Any disclosure of this information,

other than to the former employee, should be made only after consulting the Office of General Counsel.

4. It is the responsibility of the hiring supervisor to ensure that the human resources office(s) of the applicant's former campus(es), unit(s) or division(s) has verified whether the applicant is eligible for re-hire.

5. All offers of employment made to an applicant who has previously worked at any University of Arkansas System's campus(es), unit(s) or division(s) should be conditioned on the hiring campus, unit or division receiving verification that the applicant is eligible for re-hire.

6. The University reserves the right to rescind any offer of employment made to any applicant who has been designated as not being eligible for re-hire, or to terminate an employee who knew or should have known that he/she was ineligible for re-hire and failed to disclose such information during the hiring process.

7. The various campuses, units, and divisions of the University may adopt more specific guidance in furtherance of this policy. Such policies must be reviewed by the Office of General Counsel.

8. This policy is not intended to modify any eligibility determination made by a campus, division, or unit prior to the adoption of the policy.

#### 4.01.08 Dismissal, Sanctions, Findings, and Right of Appeal (Due Process)

*(Adopted June 2004; Revised: December 2010; September 2014)*

All dismissals are to be reviewed and coordinated with Human Resources (HR) to make sure the dismissal is in accordance with policy and procedure. The Chancellor will review any supervisory recommendations for dismissal or sanctions, the reasons for dismissal, and any corrective actions that have been taken in coordination with HR. If this review supports the dismissal, the Chancellor and/or HR Director shall provide the employee with a written notice of termination that includes the grounds for dismissal, the effective date, and the employee's right of appeal. Grounds for dismissal will be limited in wording. Examples: attendance, failure to comply with College policies, failure to fulfill responsibilities, etc. As stated, Arkansas is an "at-will" employment state.

##### Employee Appeal:

1. A full-time employee has the right to appeal employment actions outlined in this policy. The appeal shall be to the Chancellor.
2. To initiate the appeal, the employee must submit a written appeal request to the College Chancellor via certified mail, restricted delivery. The request must be postmarked within six (6) working days from the date of dismissal. (The first delivery attempt date as recorded by the US Post Office in the delivery of the certified mail, restricted delivery letter, if within the 6 days from the date of the dismissal shall be recognized as meeting this requirement.)
3. Within fifteen (15) working days from the date on the dismissal notice, the employee must submit a written rebuttal of cause statement to the College Chancellor via certified mail, restricted delivery that provides the employee's reasons why the dismissal should be reviewed. The request must be

postmarked within fifteen (15) working days from the date of dismissal notice. (The first delivery attempt date as recorded by the US Post Office in the delivery of the certified mail, restricted delivery letter, if within the 15 days noted above, shall be recognized as meeting this requirement.)

4. The appeal shall be reviewed by the Chancellor.
5. The employee and the Chancellor shall be notified in writing of the time and date of the appeals hearing by HR.
6. The Chancellor shall meet in concert with HR to review the appeal and to determine action within thirty (30) working days from the receipt of the rebuttal of cause.  
Actions may include
  - a. Appeal denied
  - b. Chancellor recommends reinstatement
7. Following a review, the Chancellor shall send an official letter by certified mail with return receipt notifying the employee of the decision. The letter shall clearly state any charge that the Chancellor has found to be sustained. The letter shall be mailed within sixty (60) working days from the date of the appeal hearing.
8. An employee appealing dismissal is suspended from work without pay (benefits may be retained during the appeals process if the employee pays the full cost of benefits) beginning on the date of dismissal. Should the employee be reinstated by action of the Chancellor, the employee shall be compensated from the date of suspension.

#### 4.01.09 Compensatory Time and Employment Hours

*(Approved April 2004; Revised: December 2010; September 2014)*

##### OPM Policy 28

The College is committed to providing a work environment that is consistent with the Fair Labor Standards Act (FLSA), complies with applicable Federal/State wage and hour laws and fair labor employee notification requirements, and shall display, including at outreach sites, the official posters that outline the provisions of FLSA. UA Rich Mountain follows comp time guidelines as set for by OPM for classified staff (28). Most UA Rich Mountain classified positions are considered nonexempt.

Specifics about comp time include the following:

- Comp time is time off earned for any work time that exceeds 40 work hours within a seven (7) day week Saturday through Friday. Over eight (8) hours in one day does not constitute overtime or qualify as comp time.
- All comp time must have prior approval by the supervisor and the administrator over the area.
- Scheduling use of all comp time shall be planned in concert with one's supervisor.
- Comp time of 15 minutes or more, whether earned or used, must be accounted for by using the college leave form.
- Employees have access to their personal leave records (including comp time) on the intranet.

- Comp time will be at the ratio of 1/1.5 (One hour worked equates to one and one half hours of comp time.).
- Comp time must be earned before it can be used.
- Comp time may be used in lieu of sick or annual leave.
- Comp time must be used prior to any work time resulting from a promotion, reclassification, or position change.
- Upon termination of employment, the employee shall receive cash payment for unused comp time.

#### 4.01.10 Attendance

*(Adopted: September 2014; July 2018)*

Employees should report to work on time as scheduled.

If an employee cannot report to work as scheduled, the employee should:

- Report unexpected absences of any nature to their immediate supervisor as promptly as possible.
- Arrange in advance with supervisor any planned absences, including reporting to work late or leaving work early.
- Submit the appropriate leave forms within two days.
- When notification is not provided, the position is considered abandoned.

#### 4.01.11 Resignations of Employment

UAS Link: [405.3 Resignations of Employment at the University of Arkansas 9.14.18](#)

A faculty or staff member has a duty to give early notice of his or her resignation, including the proposed effective date of the resignation. Generally, notice should be given in written or electronic form to the individual's supervisor or to the administrative head of the department to which the individual is assigned. If notice is given verbally, the individual's supervisor or the administrative head of the department to which the individual is assigned should, as soon as practical, send a written communication to the individual acknowledging receipt of the verbal notice. The supervisor or administrative head shall give a formal response to the notice (either an acceptance or rejection) to the employee within five (5) working days of receipt of the notice of resignation. When the written acceptance of the resignation is forwarded to the individual submitting his/her resignation, the resignation becomes final. Each campus, division or unit is responsible for establishing an appropriate process consistent with this policy for the acceptance or rejection of the resignation.

## 4.02 Benefits

### 4.02.01 Fringe Benefits

(Revised: December 2010; September 2014; July 2017)

The College provides a number of fringe benefits to full-time employees and their dependents.

Eligibility begins on the first day of the month coincident with or next following the date of employment at the College. (Examples: If the employee is hired to start on May 16, employee is eligible on June 1. If employee is hired to start on May 1, employee is eligible on May 1.

In accordance with Arkansas Code, ACT 1818, the College publishes an informational publication (recap) of employee benefits, the *Employee Benefits Manual*, which is updated as needed and available to new employees upon hiring and on the intranet. The *Employee Benefits Manual* includes specific details about insurance policies and other fringe benefits.

Additional fringe benefits shall be provided as approved by the UA System Board of Trustees and/or the Chancellor as allowed by the State.

### 4.02.02 Self-Insured Major Medical Program and Self-Insured-Dental Program

(Revised: December 2010; September 2014; April 2017; May 2018)

UAS Link: [430.1 Self Insured Major Medical Program and Self-Insured Dental Program 5.24.18](#)

Excerpt: The extent of coverage for eligible employees and other eligible participants together with the schedule of benefits shall be governed by the terms and conditions of the University of Arkansas Medical Benefit Plan Documents which shall be approved by the President.

The premium paid by the College shall be included in the annual budget. Premiums are subject to change.

While on an officially-granted leave of absence or retirement, an employee shall be required to pay the insurance premium(s) each month, if he/she so elects continued coverage. Otherwise, the coverage will expire. See related policies for qualifications and specifics.

### 4.02.03 Insured Employee Benefits Programs

(Merged: September 2014; Revised: May 2018)

UAS Link [430.2 Insured Employee Benefits Programs \(formerly entitled, "Term Life and Accidental Death and Dismemberment Insurance" 5.24.18](#)



The University of Arkansas maintains insured benefits programs for eligible employees and other eligible participants.

While on an officially granted leave of absence, an employee shall be required to pay the supplemental insurance premium each month, if he/she so elects continued coverage. Otherwise, the coverage will expire. Retirees cannot remain on the group coverage policy.

#### 4.02.04 Retirement Program

(Adopted: November 2012; July 2017; July 2018)

UAS Link: [425.5 Retirement Program 5.24.18](#)

On February 1, 2017, UA Rich Mountain became a UA System member college. The System retirement program policy 425.5 became effective with the following exception to 6.A and B in the policy below. . Employees hired before February 1, 2017, were 100% vested following the first contribution. Employees hired on or after February 1, 2017 are subject to the current policy regarding required years of service with the College for employer contributions.

##### *Non-benefits-eligible Employee Retirement Options*

If you are paid on University of Arkansas payroll but are not a benefits-eligible employee, you may be eligible to participate in an unmatched 403(b) retirement plan on a voluntary basis. See the policies linked above and the University of Arkansas Retirement Plan documents for details.

UAS Link: [425.5 Retirement Program 5.24.18](#)

Effective July 1, 2018, the University of Arkansas Retirement Program is revised according to the attached resolution.

##### RESOLUTION

1. Establishment of Plan. This Retirement Resolution sets forth the provisions of the retirement plans for the University of Arkansas campuses established by the Board of Trustees of the University of Arkansas (the "University"), as of April 21, 1923, as amended and restated in its entirety effective July 1, 2018. The University of Arkansas Community Colleges Retirement Plan and the University of Arkansas at Fort Smith Retirement Plan have previously been combined into the University of Arkansas Retirement Plan, effective July 1, 2016. There shall be one plan-the University of Arkansas Retirement Plan ("RP") as described in section 2. Contributions under the Plan shall be made pursuant to a 403(b) plan and 457(b) plan to investments selected by participants pursuant to Section 5. References to the "Retirement Plan" in these resolutions shall refer to the 403(b) Plan and 457(b) Plan components of the RP. The President shall adopt Retirement Plan documents which are consistent with this Board Policy.
2. Available Retirement Plans-University of Arkansas Retirement Plan.
  - A. All of the campuses, divisions, units and entities of the University of Arkansas (collectively, "UAS") as identified in Exhibit A and A-



1 and, with the approval of the Board, any additional campuses, divisions and units joining the UAS shall be included in the University of Arkansas Retirement Plan ("RP").

New eligible employees of the UAS shall participate in the RP. The University shall also contribute to Social Security for all employees subject to withholding.

- B. Notwithstanding paragraph A. above, for those employees of the UAS as of July 1, 2011 who were enrolled in the Arkansas Teachers Retirement System (ATRS) before July 1, 2011, participation shall continue in ATRS. No new employees shall be enrolled in ATRS on or after July 1, 2011. Also notwithstanding paragraph A. above, for those employees of the UAS as of July 1, 2016 and enrolled in the Arkansas Public Employee Retirement System (APERS) before July 1, 2016, participation shall continue in APERS. No new employees shall be enrolled in APERS on or after July 1, 2016. A former employee of the University who was enrolled in ATRS as of July 1, 2011, or was enrolled in APERS as of July 1, 2016, and who is subsequently reemployed by the University in a benefits eligible position, shall participate in the RP, and the University will not make further contributions to APERS or ATRS on account of such employee.
  - C. Certain employees of University of Arkansas-Cooperative Extension Service participate in the Federal Civil Service Retirement Plan, and may participate in RP at a reduced employer contribution. Further certain other employees of University of Arkansas-Cooperative Extension Service participate in the Federal Employees Retirement System and may participate in the Federal Thrift Savings Plan, but do not participate in employer contributions under RP. New Cooperative Extension employees are not eligible for the federal plans, and have the same retirement options as employees of other campuses.
3. Eligibility for Employer Contributions. Full-time employees are eligible to participate in Employer contributions under the Retirement Plan, ATRS (if grandfathered as provided above) or APERS (if grandfathered as provided above). For purposes of the RP, "full-time employee" shall mean an employee who is employed half-time or greater and is on at least a nine-month appointment period. Employees who are seasonal, extra help, temporary or employees whose employment is incidental to their educational program (including but not limited to student workers, graduate assistants, interns and residents) are not eligible for employer contributions.
4. Required Employee Contributions and Employer Contributions.
- A. Effective July 1, 2016 and later, eligible Employees shall, as a condition of employment, be required to make employee contributions to the RP. The employee contributions as a

percentage of Plan Compensation (as defined by the RP) are shown on Exhibits A and A-1 attached. Required employee contributions will begin as of date of employment.

In addition to the mandatory required employee contributions provided above, eligible employees may make voluntary Plan Contributions in any amount, subject to the contribution limitations of the Internal Revenue Code.

- B. Employer contributions to RP for eligible employees will begin to accrue as of date of employment. The University employer contribution will be as shown on Exhibits A and A-1 attached.

Plan Compensation shall be defined as provided in the 403(b) Plan documents.

- C. Employee required contributions shall be made to the 403(b) Plan. Employee elective contributions by a participant will be made first to a 403(b) program and then may be made to a 457(b) program, if elected by the participant. University contributions will be made to the 403(b) contract or account.

- 5. Funding Sponsors/Investments. With input from the Chancellors, the Vice President for Agriculture, or the chief executive officers of the campuses, divisions and units, the President shall appoint a Retirement Committee. The Retirement Committee, with advice from the investment consultant retained by the University, shall be responsible for selection of the investment alternatives and retirement recordkeepers for the RP. A participant may select from among the investment alternatives available for participants. The Retirement Committee shall establish procedures for selection of investment alternatives in the event a participant fails to select investment alternatives. No investment alternatives other than those selected by the Retirement Committee are authorized.

- 6. Vesting.

- A. Employees hired after June 30, 2016 or who first become eligible for employer contributions after June 30, 2016 shall be fully vested upon completion of two (2) years of service. If such an employee terminates before completion of two years of service, the accumulations attributable to Employer contributions in the Plans shall be forfeited. Employees shall be 100% vested in the employer contributions upon attainment of age 65, or upon death or disability while employed.
- B. Employees hired prior to July 1, 2016, shall be vested in the employer contributions in accordance with the vesting schedule in effect for such employees under the Board policies in effect prior to July 1, 2016.
- C. Participants terminating prior to July 1, 2016 shall be vested in the employer contributions in accordance with the Board policies in effect prior to July 1, 2016.

- D. The President shall provide in the plan documents rules concerning breaks in service for vesting purposes.
- E. All employee contributions to either the 403(b) plan or 457(b) plan are 100% vested.
7. Distributions. Plan provisions concerning distributions shall be as outlined in the separate 403(b) Plan documents and 457(b) Plan documents.
8. Spendthrift Clause. No participant in any of the Retirement Plans shall have any right to assign, pledge, encumber, or commute his/her interest in any benefits under the Retirement Plan, either voluntarily or involuntarily (except for a participant loan as permitted under the plans), and such benefits shall not in any way be subject to any legal process or levy of execution upon, or attachment or garnishment proceedings against, the same for the payment of any claim against any such person.
9. Amendment. The Board may amend these policies at any time. The President of the University or his delegate may amend any provision of either 403(b) Plan or 457(b) Plan so long as the amendment is not in conflict with these Board policies.
10. Termination. While it is expected that the retirement plans will continue indefinitely, the Board of Trustees reserves the right to discontinue the Retirement Plans at any time. Any termination cannot adversely affect the benefits accrued by participants prior to the date of discontinuance or modification.
11. Administration. The President of the University or the Retirement Committee named pursuant to section 5 may adopt rules and regulations for interpreting the Retirement Plans and for administering its provisions (including rules and regulations concerning funding sponsors) in a manner consistent with this Board Policy.

To view referenced exhibits, use the link provided above.

#### 4.02.05 Retirement Eligibility and Benefits

*(Revised May 2004; April 2008; December 2010; September 2014; July 2017)*

##### A. Eligibility

###### 1. Regular Retirement

- 5-65-5 Rule: Eligible Employee who retires while covered under group medical insurance program, the University of Arkansas Medical Benefit Plan (PLAN), participation and on the date of retirement is age 65 or older and immediately prior to retirement: has completed five (5) or more consecutive years of service with the UA (and/or the College) and has five (5) or more consecutive years of continuous\* coverage under the PLAN. The retiree qualifies for the Medicare supplemental insurance options.

- 10-70-10 Rule: Eligible Employee who retires while covered under the PLAN and on the date of retirement has age and years of full-time service with the UA (and/or the College) equal to at least a total of seventy (70) and immediately prior to retirement has completed ten (10) or more years of continuous\* years of group medical insurance program (PLAN &/or RMCC) participation. The retiree must pay the full insurance PLAN premium until Medicare-eligible. Once the retiree reaches Medicare eligibility, the retiree qualifies for the Medicare supplemental insurance options.
2. Early Retirement
- Employees hired before February 1, 2017 who are over the age of fifty-five (55) and under sixty-five (65) may be eligible for early retirement benefits in the calendar year in which the sum of the employee's age and the number of years of continuous\* full-time service to the College totals seventy-two (72). For consideration of the UA Rich Mountain early retirement incentive, a cost savings analysis prepared by the College must be presented to and approved by the UA System in advance of confirmation of early retirement benefits. The expiration date of the early retirement incentive window is December 31, 2018. Once the retiree reaches Medicare age, the retiree qualifies for the Medicare supplemental insurance options. Employees who do not qualify for early retirement during the incentive window are covered under the UA System retirement policy.
  - Other: Eligible Employee who has retired under an early retirement agreement approved by THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS. Insurance coverage and other options would be detailed in the agreement.

\*Continuous is defined as employment without a break in service. Approved leave: FMLA, educational, or personal leave does not constitute a break in service. An employee who has been employed by the College previously and whose separation from the College was due to a medical necessity or its equivalent and who returns to the College may have all service considered as continuous if negotiated during the reinstatement process. All employees as of the adoption date of this policy who have had such a break in service are considered continuous.

#### Limits

The sections of Arkansas law that permit an early retirement program contain certain limitations, such as limiting the total cost to 1% of employee costs per year.

### B. Benefits

1. Medical PPO, dental, and vision insurance coverage
  - a. Qualified early retirement employees who retire on or before December 31, 2018 can receive, if approved, University of Arkansas Medical Benefit Plan insurance coverage at the same rates as current UA Rich Mountain full-time employees. If the retiring employee's spouse and/or

dependent(s) desires coverage, it will be available if the full premium difference for the addition to the policy is paid by the retiree. In the event of the death of a retiring employee before his or her spouse reaches the age of 65, the spouse may continue coverage under the College program if he/she pays the full cost of the premium.

- b. Qualified regular and early retirement employees can maintain insurance coverage by paying the full premium rates.
- 2. Tuition waivers for the retiree, spouse, and qualifying unmarried dependents for UA Rich Mountain credit courses on a space-available basis
- 3. Continued College email address for 60 days, if requested
- 4. Enhanced library services
  - a. Same printing allocation offered to current students
  - b. Free interlibrary loan (ILL) privileges
- 5. Continued eligibility for employee discounts in the UA Rich Mountain bookstore
- 6. All current retired employees who retired under prior retirement programs of the College will maintain benefits as outlined in the policy at the time of their retirement with the exception of the College email address.

C. Termination of Benefits

Eligible retirees who become Medicare-eligible while participating in the University of Arkansas Medical Benefit Plan or who are Medicare-eligible upon retirement will be provided enrollment opportunity in the University of Arkansas-sponsored Group Medicare Advantage (PPO) Plan. Medicare-eligible retirees and Medicare-eligible Dependents of eligible retirees are not eligible to continue in the University of Arkansas Medical Benefit Plan. Medicare Primary Retirees must carry both Medicare Parts A & B for full coverage.

Should the spouse or dependent of a retiree not have reached the age of 65 or be Medicare-eligible at the time benefits to the retiree are terminated, the retiree may pay the full cost of continuing coverage in the University of Arkansas Medical Benefit Plan until such time as the spouse or dependent reaches the age of 65 or is Medicare-eligible as long as the retiree carries the University of Arkansas-sponsored Group Medicare Advantage (PPO) Plan.

D. Employee Notification of Intent to Retire

Employees must submit to the Chancellor a letter of retirement intention stating the last date of employment five (5) calendar months prior to the effective retirement date. The letter shall include the employee's intentions as related to medical, dental, and vision insurance.

#### 4.02.06 Emeritus Status

*(Merged: September 2014; July 2017)*

UAS Link: [475.1 Emeritus Status 6.16.89](#)

The Chancellor may recommend to the UA System President consideration for emeritus status on retiring faculty with a minimum of twenty years of continuous

service to UA Rich Mountain. Recommendations should be presented no later than February 15 from the chief executive officer of the campus.

#### 4.02.07 Holidays

*(Merged: September 2014; July 2017; February 2019))*

UASP Link: [435.1 Holiday Schedule and Pay 4.29.16](#)

The State of Arkansas provides for 11 scheduled holidays. Twelve-month employees are entitled to College-recognized holidays without reduction in pay. It is the UA Rich Mountain practice to use holidays marked with an asterisks (\*) below around the Christmas and New Year's holidays. The Chancellor will publish a holiday schedule in June for the upcoming academic year. Employees may be charged annual leave for any days during the holiday closure period not covered by regular holidays.

State holidays:

- July 4 (Independence Day)
- First Monday in September (Labor Day)
- November 11 (Veteran's Day)\*
- Fourth Thursday in November (Thanksgiving)
- December 24 (Christmas Eve)
- December 25 (Christmas)
- January 1 (New Year's Day)
- Third Monday in January (King and Lee Birthdays)\*
- Third Monday in February (Washington Birthday and Daisy Gaston Bates Day)\*
- Last Monday in May (Memorial Day)
- Employee's Birthday\*

The Governor may issue an Executive Proclamation and proclaim additional days as holidays in observance of special events or for other reasons, as has been the case with the Friday after Thanksgiving.

#### 4.02.08 Annual Leave

*(Revised: December 2010; September 2014; July 2017, October 2022)*

UAS Link: [420.1 Leave Policies for Academic and Other Non-Classified Personnel 6.9.95](#)

UAS Link: [420.2 Leave Policies for Classified Employees \(Including Patient Care Personnel at UAMS\) 6.6.03](#)

UASP Link: [440.4 Terminal Pay 4.29.16](#)

UASP Link: [435.8 Leave Policy for Employees Transferred from Other State Agencies or School Districts 4.29.16](#)

OPM Policy 45

Refer to the UA System policy and procedure links above for the complete policies. What follows are minimal excerpts.

Accrued annual leave may be requested by an employee at any time. Leave requests are made by completing the appropriate leave form. The appropriate supervisor will grant the request when it will least interfere with the efficient operation of the department. Annual leave must be earned before it can be authorized and is deducted from the employee's accrued leave in 15 minutes increments.

Annual leave is cumulative; however, no employee may have in excess of 30 days on December 31 of each year. Because days in excess of 30 will be forfeited if not used by December 31 of each year, UA Rich Mountain will automatically transfer the excess days to the UA Rich Mountain Catastrophic Leave Bank. Upon termination, resignation, retirement, death, or other action by which a person ceases to be an active employee of the College, the amount due the employee or his/her estate from accrued annual or holiday, not to exceed 30 working days inclusive of holidays, shall be included in the final pay to the employee which shall be paid on the next regular pay cycle. Because the payout may not exceed 30 days, any remaining time will automatically transfer to the UA Rich Mountain Catastrophic Leave Bank.

#### *Classified Staff*

All full-time classified employees accrue annual leave at the rates shown in the table below.

| Years of Employment | Monthly       | Annually  |
|---------------------|---------------|-----------|
| Through 3 Years     | 1 Day         | 12 Days   |
| 4 Through 5 Years   | 1 Day 2 Hours | 15 Days   |
| 6 Through 12 Years  | 1 Day 4 Hours | 18 Days   |
| 13 Through 20 Years | 1 Day 6 Hours | 21 Days   |
| Over 20 Years       | 1 Day 7 Hours | 22.5 Days |

#### *Nonclassified Staff*

The leave regulations for annual leave apply to full-time administrators and professional staff, employees whose titles are listed in the appropriation acts as twelve-month non-classified positions. These employees will receive 22.5 days of paid vacation from the on-set of employment, earned at a rate of 15 hours per month.

#### *UASP\_(excerpt)*

When an employee of another State institution of higher education or State agency resigns and is employed by the College, the following shall apply:

- a. The number of years of service in another State agency shall be accepted by the College to apply toward the annual leave in effect for the position occupied.
- b. Annual and sick leave accumulation shall be accepted by the College in an amount not to exceed the lesser maximum permissible accrued leave of either the State agency or the College for the position being



occupied. Upon transfer, the employee begins accrual at the College accrual rate.

#### 4.02.09 Sick Leave

(Revised: December 2010; September 2014; July 2017; January 2019; May 2021)

UAS Link: 420.3 Sick Leave 5.27.21

UASP Link: [440.4 Terminal Pay 4.29.16](#)

UASP Link: [435.8 Leave Policy for Employees Transferred from Other State Agencies or School Districts 4.29.16](#)

OPM Policy: 59, 54

Refer to the UA System policies links above for the complete policies. What follows is a minimal excerpt. See full policy for maternity, Worker's Compensation, appointed status (especially faculty), and leave without pay.

All full-time appointed and classified employees earn sick leave credit at a rate of eight hours per month with a maximum of 960 hours accrual. Sick leave accrues only when an employee is in a paid status and in an appointed status and does not accrue while an employee is on leave without pay.

Sick leave may only be used for the following purposes: when the employee is unable to work because of sickness or injury; for medical, dental or optical treatment; or for death or serious illness of a member of the employee's immediate family. Immediate family is defined as the father, mother, sister, brother, husband, wife, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an employee.

Sick leave is granted on a basis of work days and not calendar days. It is deducted from employee's accrued sick leave in 15 minutes increments.

Requests for sick leave should be made in advance when possible. Requests for sick leave due to illnesses should be made within two (2) days after the employee returns to work. Leave request forms are to be approved by the immediate supervisor and routed through the appropriate offices.

Employees who are on sick leave for five (5) or more consecutive days must furnish a certificate from an attending physician.

Because days in excess of 120 are forfeited if not used by December 31 of each year, UA Rich Mountain will automatically transfer the excess days to the UA Rich Mountain Catastrophic Leave Bank. Upon a qualifying UA Rich Mountain retirement or death, lump sum payout for accumulated unused sick leave following the OPM formula will be calculated. Any remaining time will automatically transfer to the Catastrophic Leave Bank. Employees are not entitled for payment of accrued and unused sick leave when they terminate



employment; the sick leave balance will automatically transfer to the Catastrophic Leave Bank.

UASP 435.8 Leave Policy for Employees Transferred from Other State Agencies or School Districts 4.29.16 (excerpt)

When an employee of another State institution of higher education or State agency resigns and is employed by the College, the following shall apply:

- a. The number of years of service in another State agency shall be accepted by the College to apply toward the annual leave in effect for the position occupied.
- b. Annual and sick leave accumulation shall be accepted by the College in an amount not to exceed the lesser maximum permissible accrued leave of either the State agency or the College for the position being occupied. Upon transfer, the employee begins accrual at the College accrual rate.

When an employee of a school district, an education service cooperative, or a State education agency transfers to a two-year college, the following shall apply:

- a. Sick leave accumulation shall be accepted by the two-year college but not to exceed a maximum of ninety (90) days.
- b. The accumulated and unused sick leave credit shall be granted upon furnishing proof in writing from the school district of former employment of the employee.

#### 4.02.10 Catastrophic Leave

*(Revised: June 2008; September 2014; July 2017)*

UA Rich Mountain's catastrophic leave bank is a pool of accrued sick or excess annual leave voluntarily donated by employees that may be approved for use by employees who meet catastrophic illness/injury eligibility requirements.

Catastrophic illness means a medical condition as certified by a physician that requires an employee's absence from duty for a prolonged period for an employee or the spouse, parent, or a child of the employee who may be claimed as a dependent. Examples of catastrophic illness include but are not limited to cancer, heart attack, stroke, and maternity leave. Catastrophic leave occurs when the illness results in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave. The catastrophic leave program could help cover the loss of income for a minimum of 30 days, except for maternity leave, which covers a maximum of four (4) weeks.

Participation in the catastrophic leave bank program begins with the donation of two days. For the initial donation or during open enrollment, the employee must complete the Leave Bank Donor Form. There are multiple ways of donating to the leave bank:

- At the employee two-year anniversary, an employee has an initial opportunity to participate in the leave program by donating two (2) days to the leave bank.
- After the two-year anniversary but during an open enrollment period, an employee may donate a minimum of two (2) days (unless on catastrophic leave) and up to a maximum of 80 hours (10 days) of leave as long as such donation will not reduce that employee's accrued, combined sick and annual leave balance to less than 80 hours.
- Excess or unused sick leave will automatically roll over to the leave bank when:
  - At the end of each year when sick and annual leave maximums are reached, any leave that would be lost if not used by December 31 shall automatically transfer.
  - An employee terminates their employment (except for UA Rich Mountain retirement).
  - Upon a qualifying UA Rich Mountain retirement or death, excess unused sick leave not included in compensation calculations for lump sum payout shall be transferred.

At the end of each year, all unused donated leave in the catastrophic leave bank is carried over to the next year.

A UA Rich Mountain employee is only eligible for catastrophic leave when the following criteria are met:

- The employee has been employed by the College for two years in a regular, full time, benefits-eligible position.
- The employee has donated two days to the leave bank.
- At the onset of the illness or injury, the employee has earned credit of at least eighty (80) hours (10 days) of unused, combined sick and annual leave and has exhausted all such leave.
- If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.
- An acceptable medical certificate from a physician supporting the continued absence is on file in the HR office.
- The employee has not been counseled for any leave abuse during the past two years.
- The maximum number of days that may be drawn from the catastrophic leave bank for maternity leave is four (4) weeks.
- The maximum number of days that may be drawn from the catastrophic leave bank for other catastrophic illnesses is a combination of accrued leave and catastrophic leave that is no more than the required time for the emergency or to qualify for long-term disability.

The employee is eligible for FMLA while on catastrophic leave.

It is the responsibility of the employee to initiate the catastrophic leave application by contacting HR. After the request for catastrophic leave is submitted, a committee comprised of a cross section of five (5) participating employees including one (1) administrator will consider the request, determine eligibility, and make a recommendation to the Chancellor whether or not catastrophic leave time should be granted.

#### 4.02.11 Family Medical Leave

*(Adopted June 1994; Revised: December 2010; September 2014)*

UA Rich Mountain complies with the Family Medical Leave Act of 1993. A copy of the federal regulations is available from HR.

#### 4.02.12 Off Campus Duty Assignments (Sabbatical)

*(Adopted: July 1985, Revised January 2005; December 2010; September 2014; July 2017; July 2018)*

UASP Link: [435.4 Off Campus Duty Assignments 4.29.16](#)

An Off-Campus Duty Assignment is an appointment, usually away from the campus, which allows eligible faculty and administrators to pursue an approved project while being relieved of teaching and administrative duties. The purpose is to enhance the individual's value to the institution.

Faculty members (including research faculty and extension personnel) and non-classified administrators who have completed six years of continuous full-time employment with the University or who have completed six years of continuous full-time service since a previous Off-Campus Duty Assignment may apply for an Off-Campus Duty Assignment. The application, prepared in accordance with campus regulations, must describe the project which the applicant wishes to undertake, where it is to be done, and the anticipated value to the individual and to the University. To be approved, a proposed assignment must be consonant with the needs, objectives, and mission of the campus.

An Off-Campus Duty Assignment is a privilege, not a right. A limited number may be approved by the President each year upon the recommendation of the chancellor or chief executive officer for each campus, division or unit. Assignments should not exceed one semester at full salary or two semesters at half-salary for employees on nine-month appointments, and should not exceed six months at full salary or twelve months at one-half salary for employees on twelve-month appointments. The University assumes no financial responsibility beyond the salary stated above.

Within sixty days after returning to the campus from an Off-Campus Duty Assignment, the faculty member or administrator must submit a written report of his other activities and accomplishments during the Off-Campus

Duty Assignment to the chairperson of his/her department, the dean of the college, the chief academic officer, the Chancellor, and the President.

In accepting an Off-Campus Duty Assignment, the recipient agrees to return to the University for at least one year following the end of assignment. Failure to return to the University for a full year following the end of the assignment will require the recipient to repay to the University an amount equal to the salary and benefits received while on assignment.

Guidelines for the sabbatical application review process that include years of service requirements, College restrictions, timelines, the appointment of a Sabbatical Review Readers Panel, etc. are provided in the annual UA Rich Mountain Governance Through Committees publication.

#### 4.02.13 Absence for Jury Duty and Court Appearance

(Adopted: June 1994; Revised: December 2010; September 2014; July 2017)

UAS Link: [420.1 Leave Policies for Academic and Other Non-Classified Personnel 6.9.95](#)

UAS Link: [420.2 Leave Policies for Classified Employees \(Including Patient Care Personnel at UAMS\) 6.6.03](#)

OPM Policy 58

Any employee serving as a witness, juror, or party litigant shall be entitled to regular University compensation in addition to any fees paid by the Court for such services and such absences shall not be counted as annual leave.

In cases where service as a witness can be handled by having the involved attorney take a deposition or statement, it is preferred. Depositions or statements which involve the University may be taken during duty hours. All others should be handled as off-duty time.

Employees who are accepted by the court as expert witnesses and paid a fee in excess of the normal witness fee shall take annual leave for the time required for such testimony.

Where service on a jury would substantially interfere with the execution of the University work schedule, the chief administrative officer of the campus may petition the judge in writing for exemption from service. However, if exemption is denied or if no response is received prior to the date jury duty is to begin, the individual must report for jury duty.

An employee who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of sick leave or vacation time, or any other form of penalty as a result of his/her absence from employment due to such jury duty, upon giving reasonable notice to his/her employer of such summons.

#### 4.02.14 Military Duty

*(Merged: September 2014; July 2017)*

UAS Link: [420.1 Leave Policies for Academic and Other Non-Classified Personnel 6.9.95](#)

UAS Link: [420.2 Leave Policies for Classified Employees \(Including Patient Care Personnel at UAMS\) 6.6.03](#)

OPM Policy 57

Twelve-month employees who are members of the National Guard or any of the Reserve branches of the Armed Forces of the United States shall be granted a maximum of two weeks leave annually plus necessary travel time for annual training requirements. Such leave shall be granted without loss of pay and in addition to regular vacation time. Nine-month academic and administrative employees are expected to take any two weeks military leave during the three months they are not under contract to the University. Each employee who requests military leave shall furnish a copy of his/her orders to the appropriate vice chancellor. An employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service shall be placed on extended military leave without pay and upon application within 90 days after the effective date of his/her release from active duty shall be reinstated to the position vacated or to an equivalent position at no loss of seniority or any of the other benefits and privileges of employment. An employee who enlists or re-enlists for a second consecutive tour of military duty shall forfeit his/her re-employment rights.

Military personnel called to duty in emergencies by the Governor or by the President of the United States shall be granted leave with pay not to exceed 30 working days after which leave without pay will be granted. This leave shall be granted in addition to regular time.

#### 4.02.15 Disaster Volunteer

*(Merged: September 2014)*

An employee who is trained and certified as a disaster service volunteer, such as the American Red Cross or a faith-based organization, and whose services are requested for a Federal or State declared disaster may request disaster volunteer leave. The Chancellor may grant leave from work with pay for not more than fifteen (15) working days in any twelve-month calendar year period to participate in specialized disaster relief. The leave will be without loss of seniority, pay, annual leave, sick leave, or compensatory time.

#### 4.02.16 Children's Educational Activities

*(Adopted: September 2014)*

Employees shall be entitled to eight (8) hours total, regardless of the number of children, per calendar year for the purpose of attending or assisting with their children's educational activities.

Child means a person enrolled in prekindergarten through grade 12 who is either related to or has a legal connection to the employee. A child includes a person who meets these criteria but is over 18 and declared legally incompetent.

Education activity means any school-sponsored activity and includes without limitation: parent-teacher conference; participation in school-sponsored tutoring, volunteer, or classroom program; field trip; school committee meeting; academic competition; or assisting with athletic, music, or theater program.

Unused children's education activity leave is not carried over to the next calendar year, nor is it compensable to the employee at retirement.

#### 4.02.17 Paychecks for Employees

*(Adopted: December 2010)*

Employees are paid on the 15th and the last day of the month. If these days fall on Saturday or Sunday, payday is the Friday before. Direct deposit is an option that is encouraged for all employees.

#### 4.02.18 Payroll Deductions

*(Revised: December 2010; September 2014; July 2017; February 2019))*

UAS Link: [405.2 Authorization of Offset Amounts Due University by Employee Against Amounts Owed by University to That Employee 1.20.95](#)

Payroll deductions for retirement, income tax, Social Security, insurance premiums, annuities, bookstore purchases, tuition and fees, Friendship Fund, and UA Rich Mountain Foundation contributions as authorized by law and as authorized by each individual employee are made automatically through the Business Office. Additional deductions may be approved by the administration.

Employees have the option of participating in a Section 125 plan that includes pre-tax deductions for childcare, unreimbursed medical deductions, etc.

#### 4.02.19 Tuition Waiver for Employees

*(Revised: May 1, 2017; June 2013; July 2017; August 2018)*

UAS Link: [440.1 Tuition Waiver for Employees 11.11.16](#)

UASP Link: [445.1 Tuition or Registration – Fees Remission 11.11.16](#)

UASP Link: [445.1A FORM-Employee Request for Registration Fee Discount 4.29.16](#)

UASP Link: [445.1B FORM-Spouse or Dependent Request for Registration Fee Discount 4.29.16](#)

UAS: [440.1 Tuition Waiver for Employees 11.11.16](#)

##### Eligibility

All full-time active employees, not on leave without pay other than workers compensation, military or family medical leave, employed as of the final

day of regular registration in any particular session or semester, their spouses, and their dependent children (as defined by the Internal Revenue Service) are eligible. Surviving spouses, who have not remarried, and dependent children of deceased employees who died while in the full-time employment of the University of Arkansas (System) are also eligible. All enrollees must meet normal admissions requirements, and audits should be on a space available basis only. For employees hired after May 1, 2017, eligibility as described above shall begin with the final day of regular registration following continuous employment in a full-time position with the University (System) for one complete fall or spring semester.

#### Transferability

The tuition waiver benefit is available to any employee, employee's spouse, or employee's dependent children at any on-campus unit of the University of Arkansas regardless of the site of employment. Individual units may also allow tuition waivers in specified off-campus classes when enrollment in the class in which enrollment is sought already has sufficient student enrollment by full-fee paying students to meet the minimum enrollment (as established by the offering unit) to recover the costs of offering the class. Waiver benefits are applicable to web based or distance education courses offered through any campus unit of the University of Arkansas or through eVersity. Waiver benefits are applicable to tuition only. All applicable fees are to be paid in full for any enrollment. The waiver benefit is applicable to credit classes only.

#### Extent of Waiver

- A. Employees may take up to 132 undergraduate semester credit hours at any UA academic institution at 50% of the cost of tuition. A Chancellor may offer a greater employee discount or offer an employee waiver for graduate degree programs or offer waivers for additional hours for employees enrolled in programs at the employee's campus. A chancellor may also choose to reimburse a percentage of tuition for employees taking undergraduate or graduate courses at another UA academic institution. If a campus elects to offer reimbursements or additional waivers, the campus must first adopt a policy that has been approved by the Office of General Counsel.
- B. Employees of the UA System office, the Cooperative Extension Service, the Agricultural Experiment Stations, the UAMS Area Health Education Centers, and other divisions or units that do not offer undergraduate degree programs shall designate one campus as the "employee's campus" for purposes of this policy. The designated campus shall remain the same for the term of employment unless the site of employment changes. These employees should receive the same employee and/or dependent tuition waiver available for undergraduate education on the designated "employee's campus" that is available for employees of the designated campus. These employees may only receive a waiver or reimbursement for graduate



education tuition if their employing unit adopts a policy to offer this benefit through reimbursement to either the employee or the campus where the employee is enrolled.

- C. Spouses and dependent children may take up to 132 undergraduate semester credit hours and receive a 50% tuition discount at the employee's campus or 40% tuition discount at any other campus within the University of Arkansas. A student may not receive discounts as both an employee and as a spouse or dependent child of an employee. A Chancellor may offer a greater tuition discount for the spouse/dependents of employees on their home campus. If a campus or unit elects to offer a greater discount, the campus must first adopt a policy that has been approved by the Office of General Counsel.

#### Administration

Campuses may adopt campus policies and procedures for issues involved with administering the tuition waiver such as creating approval processes for increasing the employee waiver or providing reimbursements for tuition charged at another UA institution, and allocating leave time for coursework in accordance with UASP 445.1. Any policy must first be submitted to the Office of General Counsel for review and approval.

Refer to UASP 445.1 for limits to the number of semester credit hours an employee may take per semester, supervisor authorization, and guidelines regarding enrollment and work assignment responsibility.

UASP Link: [445.1 Tuition or Registration – Fees Remission 11.11.16](#)

Refer to UASP 445.1 for the "Employee Enrollment and Work Assignment Responsibility" specifics.

#### *UA Rich Mountain Policy*

All full-time UA Rich Mountain employees, with eligibility determined in the UAS Policy 440.1, and qualified UA Rich Mountain/RMCC-retired employees, their spouses, and dependents, as defined by the Internal Revenue Service, will be exempt from paying tuition for UA Rich Mountain credit classes.

UA Rich Mountain adjunct faculty under current contract, their spouses, and legal dependents shall be exempt from paying tuition for one credit class per family during semester employed. This waiver does not apply for adjunct faculty teaching concurrent courses at service area high schools.

Reimbursement for tuition to employees doing approved continuing education or graduate work that will be a benefit to the College or to the employee's current position will be reimbursed at a maximum of \$500 per semester. The reimbursed tuition rate can be increased if the Chancellor deems it to be in the best interest of the College. If the employee benefitting from this policy does not continue employment with the College for two years after the semester compensation is



made, the employee shall reimburse the College. Prior approval from the Chancellor must be secured in writing.

#### *Grade Requirement*

Tuition will not be waived until the end of the semester. Students must make an A, B, or C grade and must meet all program requirements before tuition will be paid. Waivers for students who make below a C grade, who stop participating in class, or who withdraw from class(es) are subject to review by the Chancellor; and, consequently, students may be required to pay for their own classes.

Fees will be waived only when the College requires a full time employee to take a class for his or her current position.

#### 4.02.20 Enrollment in Classes During Work Hours

*(Adopted: December 2010)*

Full-time employees may enroll in one class during working hours each semester. When a class is taken, it should be part of the employee's education plan as outlined in the annual review and must be approved by the supervisor prior to registration. There are two methods for time to be made up by the employee.

1. Annual leave may be used at the rate of two days (16 hours) per credit hour of enrollment. A "Request for Leave of Absence" form must be submitted and approved, or
2. The employee and the employee's immediate supervisor may designate hours when the missed work time can be made up. Only thirty minutes of the lunch hour may be used to make up missed time. This agreement is submitted in writing and is subject to the approval of the Chancellor.

Note: Employees auditing class sessions for the purpose of providing tutoring consistent with faculty methodology or employees enrolled in a class at the request of their supervisor for job improvement are not subject to this policy.

#### 4.02.21 Other Leave

*(Adopted: September 2014)*

For additional leave policies, go to the Arkansas.gov website for the link to Arkansas Department of Finance and Administration and the Personnel Management State Personnel Policy section.

#### 4.02.22 Career Service Recognition Payments

*(Merged: September 2014)*

Non-faculty (classified or non-classified regular full-time position) employees of an institution of higher education who meet eligibility requirements as stated in OPM 23 shall be eligible for annual career service recognition payments on the anniversary date of the completion of such service according to the following schedule:

| <u>Years of Service</u>              | <u>Annual Payment</u> |
|--------------------------------------|-----------------------|
| 10 through 14 years of state service | \$600                 |
| 15 through 19 years of state service | \$700                 |
| 20 through 24 years of state service | \$800                 |
| 25 or more years of state service    | \$900                 |

Employees who work part time in regular salary positions may receive annual career service recognition payments on a pro rata basis. Periods of authorized leave without pay and leave of absence for military service when veteran's reemployment rights are exercised shall not negate eligibility for the payment.

#### 4.02.23 Bookstore Discount

*(Adopted: August 2011; July 2017)*

Employees and UA Rich Mountain/RMCC retirees receive a 10% discount for regularly priced soft goods purchased from the UA Rich Mountain Bookstore.

#### 4.02.24 Leave-of-Absence Without Pay

*(Adopted: July 2017)*

UAS Link: [420.1 Leave Policies for Academic and Other Non-Classified Personnel 6.9.95](#)

UAS Link: [420.2 Leave Policies for Classified Employees \(Including Patient Care Personnel at UAMS\) 6.6.03](#)

OPM Policy 55

##### Classified Leave-of-Absence Without Pay:

The President may grant an employee's written request for a leave-of-absence without pay not to exceed six months unless granted in accordance with the provision for military leave. In appropriate cases, additional unpaid leave will be considered as a form of reasonable accommodation for qualified individuals with disabilities on a case-by-case basis. Leave without pay is not to be granted, except in the case of maternity leave (See Section I of this Policy), until all of the employee's accumulated annual leave has been exhausted, and any employee on leave-of-absence without pay does not accumulate annual leave nor participate in the group insurance programs to which the University makes a contribution nor receive pay for any legal holidays. An employee may continue with the insurance programs by paying the entirety of those costs provided that arrangements have been made in advance with the Personnel Office to assume full payment of the premium costs.

The President, upon the recommendation of the Chancellor, may place an employee in a leave-without-pay status for disciplinary reasons in accordance with the written personnel policies of the College. In this

instance, the individual is not required to exhaust annual leave and sick leave before being placed in leave-without-pay status.

Academic and Non-classified Vacation Leave for Graduate Study:  
Vacation leave for graduate study may be granted to otherwise eligible employees under the following terms:

1. Accrued vacation with pay may, if used for graduate study, be accumulated for two calendar years preceding the date of the leave if it is used by January 1 of the third year.
2. Permission to carry over such credit must be requested in writing by the employee and approved by the President in advance of the commencement of vacation accrual.

The President may approve a modified application of the regulation where circumstances warrant not to exceed the earned vacation allowance for two years.

### 4.03 Environment

#### 4.03.01 Drug-Free Workplace Policy

*(Adopted: September 1992; Revised: September 2014; September 2018))*

UAS Link: [705.2 Use of Alcoholic Beverages on University Facilities 6.6.97](#)

It is unlawful for employees of UA Rich Mountain to manufacture, distribute, dispense, possess, or use a controlled substance on the premises of the institution.

To maintain a drug-free workplace, UA Rich Mountain shall require new employees to formally acknowledge their adherence to this policy by signing the appropriate form. New employees authorize processing of drug tests/screening. UA Rich Mountain will also provide its employees with an annual distribution of the drug-free workplace policy; information about the dangers of drug abuse in the workplace; any changes in the UA Rich Mountain drug-free workplace policy; available drug counseling, rehabilitation, and employee assistance programs; and penalties. Signed acknowledgments will be kept in HR. If an employee is suspected of drug/alcohol usage, UA Rich Mountain may request he/she submit to an immediate drug/alcohol test.

Any employee must notify the UA Rich Mountain Chancellor in writing of any criminal drug statute conviction for a violation occurring on the premises no later than five (5) calendar days after such conviction.

Within thirty (30) calendar days of receiving notice with respect to any employee who is so convicted, the institution will take appropriate personnel action against such an employee, up to and including termination.

#### 4.03.02 Use of Intoxicants and Tobacco

*(Adopted June 1994; Revised: December 2010, March 2014)*

No employee, student, or guest may bring onto the campus or use on the campus any intoxicant or harmful or illegal drugs, nor appear on campus under the influence of such.

Pursuit to Arkansas Clean Indoor Air Act, the use of tobacco or tobacco products on campus is strictly prohibited. A violation of these rules will be grounds for fines, dismissal, disqualification, or eviction. Definition of Terms:

Tobacco Product—includes but is not limited to cigarettes, cigars, pipes, chewing tobacco, e-cigarettes, and snuff.

Campus—includes college vehicles; vehicles parked on college property; and any and all UA Rich Mountain owned, leased, or maintained property including but not limited to buildings, facilities, sidewalks, parking lots, building entrances and common areas, athletic fields, outdoor seating, and grounds.

#### 4.03.03 Political Activity

*(Revised: December 2010; July 2017)*

UAS Link: [465.1 Political Activity 3.30.16](#)

UASP Link: [465.1 Relations with Legislators and Members of Congress 4.29.16](#)

UAS: [465.1 Political Activity 3.30.16](#)

University employees, as citizens, have the right to engage in political activity. However, no employee may involve the institution's name, symbols, property, or supplies in political activities. If employees speak publicly on matters of public interest and are identified by their name and position with the University, they should make every effort to make it clear that the employee's comments or opinions are those of the employee and not the University.

Any employee who intends to seek public office or to assume a major role in a political campaign is obligated to discuss his/her plans with his/her supervisor. If the supervisor determines that the activity will impinge to any extent upon the full discharge of the employee's responsibilities to the University, including, but not limited to, any actual or perceived conflict of interest, the plans shall be reviewed through regular administrative channels to the Chancellor or chief executive officer for each campus, division or unit, after consultation with the General Counsel's Office, for a determination of work-load and salary adjustment. Such determination shall be reported to and subject to review by the President.

Activities which require part- or full-time services, and for which more than token compensation is received, will require a reduction of work-load and pay, leave-of-absence, or resignation, depending upon the extent of the activity.

In engaging in political activities, employees shall abide by applicable law. This shall include, without limitation:

- Not devoting any time or labor during usual office hours toward the campaign of any candidate for office or for the nomination to any office including the gathering of signatures for a nominating petition;
- Not circulating an initiative or referendum petition or soliciting signatures on any initiative or referendum petition in any public office or during the usual office hours of the University or while on duty for the University;
- Not coercing, by threats or otherwise, any public employee into devoting time or labor towards the campaign of any candidate for office or for the nomination to any office;
- Not using any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation;
- Not to use for campaign purposes any item of personal property provided with public funds; "campaign materials" and "campaign purposes" refer to the campaign of a public office and efforts to support or oppose a ballot measure, except as provided in Ark Code Ann 7-1-111;
- Not to assess any public employee for any political purpose whatever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose;
- Not to place any campaign banners, campaign signs, or other campaign literature on any cars, trucks, tractors, or other vehicles belonging the University.

Any approved political activities of an employee must be on personal time by taking annual leave with approval of the employee's supervisor.

Nothing in this policy shall prohibit the Board from engaging in government speech, provided, that the expenditure of public funds to support or oppose a ballot measure is prohibited except as permitted by Ark Code Ann. 7-1-111(c).

#### [UASP: 465.1 Relations with Legislators and Members of Congress 4.29.16](#)

The Board of Trustees, through its policies and designees, is the only body with the authority to speak for the University on matters of public policy or public interest. An employee should not, unless specifically authorized, attempt to speak as an agent of the University in conversations or correspondence, regardless of the forum, with members of the Arkansas General Assembly, Arkansas' constitutional officers or any member of Congress.

The Board of Trustees, President of the University, Vice President for University Relations, Chancellor or chief executive officer for each campus, division

or unit, and their designees are the University officials responsible for communicating with candidates, elected officials and their staffs, and the media concerning legislation or programs potentially affecting any unit of the University. An employee who is interested in a particular matter and would like the University to consider a certain point should contact the appropriate official in the office of his or her Chancellor or chief executive officer for each campus, division, or unit.

#### 4.03.04 Grievance Procedure

*(Revised: December 2010; September 2014; July 2017)*

Any employee shall have the right at any time within five (5) working days (after the incident out of which the grievance arises) to present the grievance. A grievance means a work-related problem or condition that an employee believes is unfair, inequitable, or discriminatory or is a hindrance to effective performance of the employee's job. A grievance also includes discrimination or harassment on the basis of race, color, religion, national origin, gender, disability, or age. Any such grievance shall be handled in accordance with the procedure listed below. Note: Grievance does not include Dismissal, Sanctions, Findings, and Right of Appeal (Due Process) 4.01.08.

##### Step One

Any employee may present a grievance (orally) to his/her supervisor or Director of Human Resources (DHR).

##### Step Two

If an answer is not given within forty-eight (48) hours (two working days) after the presentation of the grievance or if the answer is not satisfactory to the complaining employee, the employee shall within three (3) working days thereafter cause the grievance to be prepared in written form, with one copy to be presented to his/her immediate supervisor or DHR.

##### Step Three

The supervisor, DHR, and the employee shall meet within ten (10) working days after receipt of the written grievance in an attempt to propose a solution that would reconcile the grievance. If the grievance is not reconciled, the employee may submit the written grievance to the Chancellor within three (3) working days.

##### Step Four

Within fifteen (15) working days from the receipt of the written grievance by the Chancellor, the Chancellor shall meet with the employee, DHR, supervisor, and area administrator.

##### Step Five

Following review by the Chancellor and within ten (10) days from that review, the Chancellor shall notify the employee of the decision of the Chancellor through an official letter by certified mail, restricted delivery.

A grievance filed against the Chancellor would be submitted to the President of UA System.

#### 4.04.05 Sexual Harassment Policy

*(Adopted: December 2010)*

Harassment on the basis of gender is illegal and a violation of Title VII of the Civil Rights Act of 1964, 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. Policy repeated in Article VI – Students, Student Rights section, Policy 6.03.08.

##### 1. Policy.

- a. UA Rich Mountain is committed to the maintenance of a working and academic environment free from all forms of sexual harassment. Sexual harassment is a violation of College policy as well as state and federal law and is neither permitted nor condoned.
- b. It is also a violation of UA Rich Mountain's policy against sexual harassment for any employee or student at the College to attempt in any way to retaliate against a person who makes a claim of sexual harassment.
- c. Any individual found to have violated the College's policy against sexual harassment will be subject to appropriate disciplinary action including, but not limited to, reprimand, suspension, termination, or expulsion. Any disciplinary action taken will depend upon the severity of the offense.

##### 2. Definition.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to, or toleration of, such conduct on or off campus is made a term or condition of instruction, employment, or participation in College activities;
- b. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making employment or academic decisions affecting the individual; or
- c. Such conduct has the purpose or effect of unreasonable interference with an individual's academic or employment performance or creating an intimidating, hostile, or offensive college environment.

##### 3. Procedures.

Students or employees who believe that they have been sexually harassed should first seek an informal resolution of this problem as outlined below. If that is not effective, such individuals then should pursue formal resolution of their complaint. All complaints must be made within thirty (30) days of the occurrence of the alleged harassment.

- a. Informal Resolution. Employees who believe that they have been subject to sexual harassment should report the problem promptly either to their



immediate supervisor or the Director of Human Resources (DHR). Students who believe that they have been subjected to sexual harassment should report the problem promptly to the Vice Chancellor of Student Affairs (VPSA) or the DHR. The person to whom the complaint is made shall promptly begin an impartial consideration of the complaint and make a thorough investigation, in coordination with the DHR. If a mutually agreeable answer or settlement has not been obtained within fourteen (14) calendar days from the date of the complaint, the complainant may initiate the formal complaint procedure.

During all informal attempts to resolve a problem, to the extent possible, efforts will be made to keep the identity of the complainant confidential.

- b. Formal Complaint Resolution. If a problem cannot be resolved through informal attempts at conciliation and the complainant wishes to pursue the matter further, a formal written complaint must be filed with the VPSA or DHR.

All formal complaints shall be given a full, impartial, and timely investigation. During such investigations, while every effort will be made to protect the privacy rights of all parties, confidentiality cannot be guaranteed.

4. Sanctions.

If investigation of a reported occurrence of sexual harassment reveals that the complaint is without reasonable foundation, both parties will be so informed and will also be informed that no further action is warranted. If, however, an individual is found to have violated the College's policy against sexual harassment, the investigating body will recommend disciplinary action appropriate to the severity of the offense, including, but not limited to, reprimand, suspension, reassignment of responsibilities, termination of employment, or expulsion from the College.

#### 4.03.06 Information Technology Acceptable Use Policy

*(Merged: September 2014; Revised: December 2015, July 2020)*

All users, including Students, Faculty, Staff, and Patrons, of UA Rich Mountain information systems are required to be familiar with and acknowledge receipt of this policy prior to gaining system access.

UA Rich Mountain is an institution of higher learning overseen by the government of the State of Arkansas. As such, most hardware and software associated with UA Rich Mountain are subject to the Governor's Policy Directive GPD-5 (1997). This directive states: "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." Some hardware and software may belong to programs overseen by the federal government and may be subject to additional restrictions.



UA Rich Mountain information systems include all hardware and software that pass data in any form across the UA Rich Mountain local area network. Video conferencing, projection, and other audio-visual equipment are considered information systems subject to this policy.

UA Rich Mountain strives to provide users with the necessary tools for communication, research, collaboration, business operations, and other activities in furtherance of the UA Rich Mountain mission. UA Rich Mountain also acknowledges that limited personal use of information systems is inevitable and may ultimately be beneficial to both the individual and the institution. Therefore, it is helpful to understand both what constitutes acceptable use and those activities that are prohibited, regardless of whether personally owned or UA Rich Mountain equipment is used.

#### Acceptable Use of Information Systems

- Accessing the network for work or class related research and information gathering.
- Utility and applications software that accomplish tasks and fulfill job functions or class requirements.
- Communication and collaboration between users and/or other appropriate entities.
- Access to the Internet for up-to-date information published by UA Rich Mountain, other state agencies, schools, various other providers of information.
- Activities or projects that support professional activities of users (i.e., electronic calendars, electronic scheduling of meetings, electronic prioritizing of tasks, using project management software, keeping electronic address books, and completion of work-related forms electronically).

#### Unacceptable Use of Information Systems

- a. Vandalizing equipment, software, or hardware.
- b. Interference with the security or operation of UA Rich Mountain information systems.
- c. Attempting to alter or gain unauthorized access to hardware or software.
- d. Sharing of private access credentials with any other person or group, except authorized administrators.
- e. Attaching an unauthorized device to the UA Rich Mountain network, either wired or wirelessly.
- f. Installing unauthorized software on UA Rich Mountain equipment without the system administrator consent.
- g. Playing of networked games or games hosted on the Internet that are not directly related to classwork.
- h. Using, submitting, publishing, displaying, or transmitting on the network or on any information 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 information system.
  - encourages the use of controlled substances or uses the system for the purpose of criminal intent.
  - knowingly transmits or receives material, information, or software in violation of any local, state or federal law.
  - conducts any non-UA Rich Mountain-related fund raising or public relations activities.
  - engages in any activity for personal financial or material gain, with or without a profit motive.
  - views, downloads, or sends pornographic or other obscene materials.
  - contains a payload which is intended to damage or infect another information system.
  - intends to affect network availability or efficiency.
  - uses the system for any illegal purpose or with criminal intent.
- i. Excessive use of social media or use that violates any provision above.

#### Multi-factor Authentication

UA Rich Mountain requires Multi-factor Authentication (MFA) methods to access many applications and services. MFA is considered a best-practice in information security and may require the use of personal devices such as a mobile phone or tablet, or a device designated by a manager, to receive authentication codes and/or one-time passwords for system access. The configuration and use of MFA is a basic requirement of employment at UA Rich Mountain and is consistent with UA System requirements.

#### Privacy of Information

UA Rich Mountain reserves the right to monitor and/or log all network activity with or without notice, including UA Rich Mountain email and all website communications; therefore, unless otherwise stated, users should have no expectation of privacy or anonymity in the use of any information system. UA Rich Mountain does not routinely monitor user content.

UA Rich Mountain will never provide third parties with access to stored or transmitted information without the written consent of the sender and recipient except in special circumstances, such as investigating illegal activity or misuse of the system, or resolving a technical problem.

Information leaving the UA Rich Mountain network may be subject to monitoring by governments, network carriers and other parties. Once it leaves the local network, access to this information is no longer controlled by UA Rich Mountain.

#### Use of Protected Content or Resources

Users may not download material that is covered by copyright, subject to trademark restrictions, or encumbered by any other form of intellectual property rights protection unless it is legally allowed or falls under the Fair Use provision of copyright law.

Users may not upload, disseminate, or print material that infringes on copyright or any other intellectual property rights protection mechanism. UA Rich Mountain will comply with all takedown notices related to the Digital Millennium Copyright Act (DMCA) or similar legislation. UA Rich Mountain reserves the right to remove any item referenced in an infringement notice without the prior consent or notification of the user that uploaded or disseminated the item. Further, UA Rich Mountain will not be responsible for a user's legal defense or other costs associated with infringing material.

#### Enforcement and Penalties

UA Rich Mountain users are responsible for complying with this policy. Penalties for non-compliance include, but are not limited to:

- a. Suspension or usage restriction on information systems.
- b. Internal disciplinary measures, including discharge from employment or enrollment.
- c. Initiation of criminal or civil action, if appropriate.

UA Rich Mountain reserves the right to remove or block access to any information system, from any user or device, which adversely affects the availability or reliability of the information system or network without prior notification to the user or owner of the device.

#### 4.03.07 Whistle Blower Protection Act

*(Merged: September 2014; July 2018)*

UAS Link: [355.1 Whistleblower Policy 11.12.10](#)

##### I. Introduction

The University of Arkansas System has a responsibility for the stewardship of University resources and the public and private support that enables it to pursue its mission. The University is committed to compliance with the laws and regulations to which it is subject and to promulgating University policies and procedures to interpret and apply these laws and regulations in the University setting.

The University's internal control system is intended to detect, prevent and deter noncompliance with applicable laws, regulations and University policies. However, even the best internal control systems cannot provide absolute safeguards against wrongful conduct. The University has a responsibility within its established control system to investigate and report to appropriate parties disclosures of suspected wrongful conduct and the actions taken by the University to address those disclosures.

This policy is intended to encourage all University employees to report suspected or actual occurrences of alleged wrongful conduct without fear of retribution and to bring forward serious concerns to the University's management for review, prior to seeking resolution outside the University. The University will provide fraud and compliance hotlines for the purpose of soliciting information from whistleblowers about alleged wrongful conduct.

## II. Definitions

### A. Whistleblower

A person or entity making in good faith a protected disclosure on a matter of public concern is commonly referred to as a whistleblower. Whistleblowers may be University employees (academic or staff), applicants for employment, students, patients, vendors, contractors or the general public.

### B. Wrongful Conduct

Wrongful conduct is an activity undertaken by a University employee in the performance of the employee's official duties or by an individual, corporation or other entity doing business with the University that are in violation of law as defined in Arkansas and federal whistleblower laws.

## III. Whistleblower Rights, Role and Responsibilities

In accordance with the Arkansas Whistleblower Act, whistleblowers have the right to be protected from retaliation. A University employee who retaliates against a whistleblower who reports alleged wrongful conduct in good faith is subject to discipline up to and including termination of employment from the University. A whistleblower's right to protection from retaliation however does not extend to immunity for any complicity in the matters that are the subject of the disclosure or an ensuing investigation. The University also has the right to act upon the intentional filing of a false report, whether orally or in writing.

Whistleblowers frequently make their reports in confidence and often wish to remain anonymous. Protection of a whistleblower's identity will be maintained to the extent possible under applicable state and federal laws. Whistleblowers should be cautioned that their identity may become known for reasons outside of the control of University administrators and investigators. Should the whistleblower choose to self-disclose their identity to the University, the University may not be able to maintain confidence over the identity.

The whistleblower's role is as a reporting party. Whistleblowers provide information related to a reasonable belief that alleged wrongful conduct has occurred within the University's operations. Whistleblowers have a responsibility to be candid with the University's Board, management or investigators to whom they make a report of alleged wrongful conduct and shall set forth all known information regarding any reported allegations. Persons making a report of alleged wrongful conduct should be prepared to be interviewed by University employees who have the authority to conduct investigations. A whistleblower has the right to be informed of the subsequent

disposition of their disclosure unless the information is legally protected from release.

#### 4.03.08 Cybersecurity

*(Adopted: March 2017) (Revised: September 2020)*

UAS Link: [285.1 Cybersecurity 9.18.2020](#)

UASP Link: [285.1 Cybersecurity 5.8.17](#)

##### I. Purpose

Information is among the University's most valuable assets. The University often relies on sensitive information to operate effectively and support its central missions of teaching, research, and service. The University consists of research-focused institutions that regularly obtain and store confidential, proprietary data. In addition, the University is frequently required to maintain personally identifiable information that is protected by state and federal law, including education records, health data, and financial information. The security of the University's information, and the technologies and systems that support it, is the responsibility of all employees, vendors, and other stakeholders.

There are numerous persons and organizations who desire to exploit computer systems and acquire intellectual property, personnel information, financial records, and other sensitive information. Cybersecurity threats and information system vulnerabilities are constantly increasing and evolving. The nature of the cybersecurity threats—along with efforts to manage the associated risks—will inevitably grow in complexity.

##### II. Systemwide Information Security Framework

To efficiently and effectively minimize risks to the confidentiality, integrity, and availability of information, the Board requires a systemwide information security governance and information security program that employs prudent security policies, technological standards, and safeguards. Each institution may augment the systemwide information security program with appropriate institution specific supplemental policy and procedure information. Sensitive or confidential information that has been created, collected, or distributed by the University should be classified and protected from unauthorized disclosure, access, modification, and destruction. In furtherance of these objectives, the Board assigns responsibilities as follows:

- A. The System Chief Information Officer (System CIO) will develop and maintain the systemwide information security program and information security governance practices with approval of the president.

- B. The Systemwide information Security Governance Committee, chaired by the System CIO and consisting of one representative designated by the chancellor or chief executive of each institution, will provide guidance to the System CIO on system information security policies. Each institution's representative will be responsible for ensuring institutional compliance with system information security policies and for coordinating and implementing necessary institutional policies unique to their respective campus, unit or division.
- C. In the event of a material security breach involving the unauthorized acquisition of or access to sensitive information, the information-technology personnel for the affected campus, the system CIO, and the Office of the General Counsel. The notification shall include the following.
  - I. A description of the incident.
  - II. The number of individuals affected.
  - III. The nature of the information affected and
  - IV. Actions taken to prevent further breaches of security

The office of the General Counsel shall, in turn, assist campus or unit officials with determining the nature and extent of any notifications to affected persons that may be required by state or federal law and coordinating any investigations that may need to be conducted by law-enforcement organizations.

UASP: [285.1 Cybersecurity 5.8.17](#)

Under Board Policy 285.1 (above), University information should be protected from unauthorized access. Campuses and other units shall classify and protect their information in accordance with its value, sensitive to disclosure, consequences of loss or compromise, and any applicable statutory or regulatory requirements (e.g. Arkansas Department of Information Systems, *Standard Statement--Data and Security*, Doc. No. SS-70-001, May 15, 2015). Appropriate information security practices shall be undertaken pursuant to a comprehensive security program, which shall include a risk-based framework for identifying and managing threats similar to the framework developed by the National Institute of Standards and Technology in *Framework for Improving Critical Infrastructure Cybersecurity*. A comprehensive security program includes, but is not limited to, the following elements:

- 1. The identification of appropriate personnel to lead information-security initiatives and programs on an ongoing basis, including (a) the designation of a technical expert charged with having primary responsibility for information-security matters for the campus and (b) members of a committee to assist with devising policies, critically

reviewing operating procedures, evaluating response plans, and similar matters. Input should be received from a range of stakeholders and not just from information-technology experts. Administrative units and departments that store highly confidential research data, trade secrets, or personally identifiable information (such as student records, financial information, employee information, and health information) should be involved in the formation and administration of policies pertaining to information security.

2. A focus on individual actions and accountability, including initiatives to educate employees on the appropriate use of University-owned equipment and user-owned ("bring your own") devices, maintaining the confidentiality of passwords, understanding the unsecure nature of emails, protecting laptop computers and mobile devices against theft, encrypting removable media and sensitive data that is transmitted on unsecure networks, giving prompt notice of lost devices, hiring and separation procedures, and the latest efforts to defraud employees and students with phishing scams, ransomware, and similar schemes.
3. An inventory and classification of information in accordance with industry standards and applicable legal requirements.
4. Threat analyses to determine threats to the organization and its data, including cyberattacks and natural disasters; risk assessments to determine the likelihood that a threat could occur and its potential impact; and incident response planning.
5. A program of ascertaining industry best practices and applying them to matters such as backing up data, recovery, encryption, firewalls, anti-virus, anti-malware, security patches, retention of log data and other evidence, and intrusion detection in a manner that is reasonable, effective, and commensurate with the sensitivity of the information and importance of information-technology resources at issue.
6. A plan for performing periodic tests, exercises, audits, and post-incident analyses with the goal of determining vulnerabilities, practicing responses, assessing readiness, learning from recent developments, and determining the need to revise policies and procedures.
7. Attention to physical and environmental security, including appropriate security barriers and perimeters to prevent unauthorized access.
8. Sensitivity to the need for contractual counterparties to adopt appropriate practices and give necessary assurances regarding the allocation of duties, liabilities, risks in the event of a cyberattack—including vendors that maintain personally identifiable information in cloud-based platforms.

The various campuses and other units of the University of Arkansas System are encouraged to collaborate so that a common, system-wide set of policies and standards can be formulated. At the same time, the President recognizes that differences such as the availability of technical personnel, student enrollment, business operations, financial resources, and information-technology environments differ among the various campuses



and other units; therefore, local flexibility in tailoring appropriate policies and procedures must remain intact.

#### 4.03.09 Fraud/Identity Theft

(Adopted: March 2017)

UAS Link: [350.1 Fraud Policy 4.17.09](#)

This fraud policy is established to facilitate the development of controls which will aid in the prevention and detection of fraud within the University of Arkansas System (the "System"). It is the intent of the System to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of prevention and detection controls and conduct of investigations.

##### I. Scope

This policy applies to any fraud, or suspected fraud, involving Board of Trustees, employees, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, students and any other parties with a business relationship with the System.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position or title, or relationship to the System.

##### II. Policy

Management is responsible for the prevention and detection of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported to the Internal Audit Department, who coordinates investigations with the University's General Counsel and other affected areas, both internal and external.

##### III. Actions Constituting Fraud

- The terms defalcation, misappropriation, and other fiscal wrongdoings refer to, but are not limited to:
- An entry into the accounting records of the System that is intentionally made to represent what is not true or does not exist, with intent to deceive the officers and Trustees of the University of Arkansas System
- Forgery of a check, bank draft, wire transfer or any other System financial document
- Unauthorized alteration of any financial document or account belonging to the System



- Misappropriation of funds, securities, supplies, or other System assets
- Impropriety in the handling or reporting of money or financial transactions
- Disclosing confidential and proprietary information to outside parties for personal gain, except as allowed under the Arkansas Freedom of Information Act or other law
- Theft of identity
- Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the System, except as provided in gift policies
- Unauthorized destruction, removal, or use of records, furniture, fixtures, and equipment for personal gain
- Any similar or related inappropriate conduct

#### IV. Other Inappropriate Conduct

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct, should be resolved by departmental management and human resources personnel rather than Internal Audit.

If there is any question as to whether an action constitutes fraud, contact the Internal Audit Director for guidance.

#### V. Identity Theft Prevention Programs

In accordance with the Federal Trade Commission issuing the Red Flags Rule under sections 114 and 315 of the Fair and Accurate Transactions Act (FACT), Subpart J, Section 41.90, each campus will prepare a written Identity Theft Prevention Program. This program should be designed to detect, prevent and mitigate identity theft in regard to "covered accounts", as defined in the law. The programs must be approved by the Board of Trustees and include a requirement for an annual review and update filed with the University of Arkansas System Vice President for Finance and Chief Fiscal Officer through the Chancellor's Office of each campus.

#### VI. Investigation Responsibilities

The Internal Audit Department has the primary responsibility for the investigation of all suspected fraudulent financial acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Internal Audit Department will issue reports to appropriate designated System officers and personnel and to the Board of Trustees through the Audit Committee.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for further independent investigation will be made in accordance with Arkansas and Federal laws by the Officers and Trustees of the System in consultation with the General Counsel, as will final decisions on disposition of the case.

#### VII. Confidentiality

The Internal Audit Department treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Internal Audit Department, and should not attempt to personally conduct investigations or interviews related to any suspected fraudulent act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know subject to Arkansas Freedom of Information Act. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct.

VIII. Reporting Procedures and Fraud Hotline

Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will contact the Internal Audit Department either directly or through the System's established Fraud Hotline. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Internal Audit Department or General Counsel. No information concerning the status of an investigation will be given out.

The reporting individual should be informed that they should not contact the suspected individual in an effort to determine facts or demand restitution or discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the General Counsel or the Internal Audit Department.

IX. Termination

The Internal Audit Department does not have the authority to terminate an employee for committing fraudulent acts. Decisions to terminate an employee reside with the University's senior management and officers in consultation with Human Resources and the General Counsel.

X. Administration

The Internal Audit Department is responsible for the administration, revision, interpretation, and application of this policy.

## 4.04 Professional Development/College Representation

### 4.04.01 Professional Development

*(Revised: December 2010; September 2014)*

UA Rich Mountain encourages staff and faculty members to attend worthwhile educational and professional meetings and to participate actively on professional

committees. The purpose of professional development is to enrich and improve the mission of the College, to promote Inservice training and professional growth, and to ensure a rightful share of the obligation of each community college to cooperate with organizations and committees with objectives of improvement in education, particularly at the community college level.

#### 4.04.02 Authorization to Travel

*(Revised: December 2010; July 2017; November 2018))*

UASP Link: [535.1 Travel of Students Representing the University 6.6.16](#)

The final authority to approve travel for employees rests with the Chancellor. The Chancellor may delegate this responsibility to other administrators and/or the immediate supervisor who will adhere to the following:

1. The number of staff and faculty to be away from the campus at any one time shall be controlled so that no division will be depleted below the level of effectiveness.
2. Employees shall submit a completed travel request in advance for approval.
3. The opportunity to attend conventions and professional meetings will be distributed as broadly as possible.
4. The Chancellor is authorized to approve travel in the following instances and for the following purposes:
  - a. To transact the business of the district, such as contact with national, regional, State, or educational organizations and agencies; college procurement; contact with community and governmental groups or agencies; travel within the college district, etc.
  - b. To attend educational and professional meetings, such as subject-matter meetings, educational conventions, professional organizations, conferences, committee meetings, etc.
  - c. To attend meetings related to legislative matters important to the college such as legislative hearings and sessions, committees, and other meetings of organizations working on legislation.
  - d. To travel with student(s) or student groups for college-related activities or travel to arrange for all such student activities. These activities include field trips, competitions, student development, honors, student organizations, etc. The travel request must include a list of students.

The Chancellor is also authorized to attend conferences, committee meetings, and other activities that the Chancellor deems in the best interest of the College.

#### 4.04.03 Reimbursement of Travel Expenses

*(Revised: December 2010; September 2014; July 2017)*

Employees shall be reimbursed for authorized personal expenses incurred while on "official" trips away from the college. Official trips shall be those approved by the Chancellor or the Chancellor's designated representative within the provisions of established College policies and/or State statutes.

Refer to the UA Rich Mountain *Travel Procedures Manual* located in the Business Office and on the intranet for guidelines and travel authorization and reimbursement forms.

#### 4.04.04 Representing the College

*(Revised: December 2010; July 2017)*

College employees may be appointed or delegated by the Chancellor to represent the College on appropriate occasions, but no such delegate may commit the college to any doctrine, policy, or action without obtaining the approval of the Chancellor.

#### 4.04.05 Employee Review Process

*(Revised: December 2010; September 2014)*

There shall be an annual review of employee performance in preparation for annual contract renewals. The employee's immediate supervisor in concert with the appropriate administrator shall complete the written evaluation. Completed evaluations shall be presented by administrators to the Chancellor for review before becoming a permanent record in the employee's file in HR. The employee, supervisor, Vice Chancellor, and Chancellor must sign the review.

In addition to the annual review, full-time faculty shall also be reviewed each year through a classroom observation session either by peers, the division chair, or the CAO. Adjunct faculty shall be reviewed annually through a classroom observation session either by the division chair or the CAO. Students shall be asked to complete a student evaluation of instruction type survey regarding their classroom experiences.

For any employee with non-satisfactory review results, a follow-up session shall be scheduled that will include a specific plan for improvement.

### Employee Responsibilities and Limitations

#### 4.05.01 Commencement Attendance

*(Revised: December 2010)*

All members of the administration, faculty, and professional staff shall take part in the Commencement Day exercises in proper academic dress unless previously excused by the Chancellor.

#### 4.05.02 Inservice Attendance

*(Merged: September 2014)*

All employees are expected to attend Inservice each semester and to participate in appropriate activities.

#### 4.05.03 Faculty Meetings

*(Merged: September 2014)*

Faculty meetings are periodically called by the CAO. Attendance at faculty meetings is required. Faculty teaching regularly scheduled classes during the time of the meeting are excused unless otherwise notified.

#### 4.05.04 Credentials Update

*(Revised: December 2010)*

It is the responsibility of each employee to keep academic credentials and directory information current and on file in the office of Human Resources.

#### 4.05.05 Expenditure of College Funds

*(Revised: December 2010; September 2014)*

All expenditures of College funds shall be authorized by the appropriate administrator, in accordance with the approved budget, and follow purchasing procedures. Unauthorized or personal expenditures shall not be reimbursed and are strictly the responsibility of the individual.

#### 4.05.06 Sales to Students

*(Revised: December 2010)*

The faculty and staff shall not have direct dealings with students in the sale of books, instruments, lectures, notes, or similar materials unless acting as an authorized agent of the Controller or the Bookstore Manager at off-campus locations or authorized by the Chancellor.

All funds are to be handled in the manner prescribed by the Chief Fiscal Officer.

#### 4.05.07 Acceptance of Gifts

*(Revised: December 2010)*

No UA Rich Mountain employee shall accept any personal gift, gratuity, or reward from any person, firm, or corporation having a business relationship with the College.

Acceptance of gifts from students should be avoided, unless approved by the Administration.

#### 4.05.08 Soliciting on Campus

*(Revised: December 2010)*

The Chancellor or designee must give prior approval before an individual or group may solicit business with students or employees.

Only student organizations with approval of the Vice Chancellor of Student Affairs may solicit funds.

#### 4.05.09 Outside Employment or Honorariums

(Revised: December 2010; September 2014; July 2017)

UAS Link: [450.1 Outside Employment of Faculty and Staff Members for Compensation 3.30.16](#)

UASP Link: [440.10 Reporting of Income from Other State Agencies 4.29.16](#)

UASP Link: [440.10A FORM Reporting of Income from Other State Agencies 4.29.16](#)

UAS: [450.1 Outside Employment of Faculty and Staff Members for Compensation 3.30.16](#)

While emphasizing the fact that full-time faculty and non-classified staff members (including, but not limited to, senior administrators) of the University are obligated to devote their working time and efforts primarily to University activities, the University recognizes that a limited amount of outside work for private compensation may be advantageous to all concerned. Such persons are therefore encouraged to engage in outside employment which will affirmatively contribute to their professional advancement or correlate usefully with their University work. This employment shall not interfere in any substantial way with the employee's University duties nor conflict with his/her University assignments.

Written approval from department head (and/or dean) shall be obtained in advance of such outside employment. Each officer shall keep records on outside employment by personnel in his/her college and shall prepare an annual report on such outside employment. The report should include actual time spent during the reporting period. Such records shall be reviewed periodically by the appropriate administrators and shall be submitted to the Chancellor (or a designees who is a senior administrator) by September 30 of each year.

It is the employee's responsibility to make clear that, with respect to outside employment, he/she is not acting as an agent or representative of the University. University facilities or property shall not be used except with permission of the department head, taking into account the best interests of the University, and the payment of appropriate fees may be required. Prior approval is also required for concurrent employment with another university unit or state agency, pursuant to Arkansas Code Ann. 19-4-16-4 and ACA 6-63-307.

No College employee shall engage in outside employment which, in the judgment of the administration, reflects against the College image, is considered unethical, or interferes with the employee's regular duties. According to Arkansas State regulation codes 21-8-203 and 21-8-204, State employees must file an extra income statement with their employer on any single source of income in excess of \$500 derived from professional and consulting services rendered to any public agency of this state, other than the regular salary received. Employees are required to use the official UA System form, link provided above. The annual deadline to submit the form to the Chancellor is January 31.



## ARTICLE V – ACADEMICS

### 5.01 Academics

#### 5.01.01 Academic Calendar

*(Merged September 2014; July 2017)*

The academic calendar consists of two regular semesters (fall and spring) and two summer terms. The current College academic calendar is online.

The Chief Academic Officer (CAO) is responsible for authorizing adjustments to the academic calendar once published. Appropriate announcements will be made.

#### 5.01.02 Inclement Weather

*(Merged September 2014; July 2017)*

The College does not normally close because of adverse weather conditions. However, the obligation to provide services to the residents must be balanced with the risk of danger to College employees.

The Chief Student Life Officer (CSLO) in consultation with the CAO or Chief Fiscal Officer (CFO) will determine which College locations are affected (Mena and/or off campus sites). The recommendation will be presented to the Chancellor for a decision. The CSLO is responsible for (or will delegate responsibility for) notifying critical UA Rich Mountain personnel with the appropriate message(s) for the College notification system, the telephone system, the internet and other forms of social media, electronic outdoor UA Rich Mountain signs, and designated radio and/or television stations.

The Chancellor's office will distribute to administrators an updated inclement weather contact that includes key UA Rich Mountain contact information plus radio and television stations' phone numbers and websites with the College identification numbers/passwords.

In the event of overnight or early morning inclement weather, closure announcements will be made as early as possible on the website, local radio stations, and the student notification system. The announcement will include affected classes.

When the weather is deemed too severe for the College to be open at all or if inclement weather hits during the day, employees will not be required to report for work or make up the time off.

#### 5.01.03 Academic Freedom

*(Merged September 2014)*



Public institutions of higher education exist for the common good. The common good is dependent upon a free search for the truth and its free expression. The College is committed to the principle that faculty members must be free to pursue scholarly inquiry without undue restriction and to publish conclusions concerning the significance of evidence that they consider relevant. Faculty members may be assured that their professional careers or resultant material benefits will not be jeopardized because of differences of opinion with anyone inside or outside the College.

Faculty members are entitled to full freedom in research and publication, subject to the adequate performance of academic duties; however, research for pecuniary return must be undertaken only with the prior approval from the CAO and the Chancellor.

Faculty members are entitled to freedom in the classroom in discussing their discipline, but they should refrain from introducing controversial matter bearing no relationship to the subject.

Faculty members are citizens, members of a learned profession, and members of an educational community. Speaking or writing as citizens, they should be free from institutional censorship or discipline. However, as individuals of learning and as members of an educational community, instructors should understand that the public may judge the profession and the institution by their utterances, appearance, and actions. It is, therefore, expected that they will at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and conduct themselves in a professional manner.

When expressing themselves as private citizens, faculty members should indicate that they are not representing the College.

#### 5.01.04 Division Chair

*(Merged September 2014)*

The division chairs are appointed by the CAO and, acting under his/her direction, ensures excellence in teaching and learning by providing high quality, relevant, and valued instruction in the respective division by accomplishing the specific responsibilities listed in the division chair position description. Divisions are created and maintained by the CAO in consultation with the Chancellor. Division chairs receive a stipend.

#### 5.01.05 Syllabi

*(Merged September 2014)*

Each instructor will have on hand a syllabus containing core course objectives and/or competencies for each course taught. The syllabus should satisfy institutional and departmental guidelines, course competencies, the ADA notification as outlined in the model syllabus, and ACTS common course

outcomes, if applicable. An electronic and a printed copy of each course syllabus must be submitted to the CAO during the first week of class. The CAO shall maintain a file copy of all syllabi for courses currently taught in each division. A model syllabus including a first-day handout is available for review in the CAO's office.

#### 5.01.06 Examinations

*(Merged September 2014)*

Effective classroom teaching necessitates the use of examinations both for the purpose of instruction and for evaluation of student achievement. The teacher as a diagnostician should utilize the type of assessment best suited to the information being sought.

Information regarding the examination policy and an approximate exam schedule for the course will be included in the instructor's syllabus. Examinations will normally be scheduled during regular class or laboratory periods. Exceptions to this policy require approval by the CAO.

Final examinations are required for all students in all classes that are offered for college credit. Final semester examinations are to be held according to schedule published in the academic calendar. Exceptions require prior approval by the CAO.

#### 5.01.07 Curriculum Review

*(Merged September 2014; July 2017)*

UAS Link: [620.1 Addition, Deletion, Suspension, and Modification of Academic Programs 1.31.03](#)

The process for curriculum review is ongoing and may be initiated by the CAO or by the College Curriculum Committee. The process is outlined in *Governance Through Committees*. After the committee completes the process and presents results to the CAO, the CAO will provide recommendations for program changes, additions, and/or deletions to the Chancellor. The Chancellor will notify the BOV with the reports and recommendations that will go to the UA System President for consideration.

## ARTICLE VI – STUDENTS

### 6.01 Admission and Academic Rights

#### 6.01.01 College Admissions

*(Revised: November 2003; December 2010; September 2014; July 2017)*

The policies for admissions to UA Rich Mountain are grounded in an open door philosophy with recognition of a student's ability to benefit in the available academic and technical programs. UA Rich Mountain's admission policies are in compliance with the laws of the State of Arkansas. The admissions policies reflect the Mission, Vision, Values, and Philosophy and Scope of the College in providing educational opportunities for all residents within the geographic area it serves. Specific policies for admission categories are developed by the Chancellor in concert with the administration and college governance structure and published in the college catalog.

Admission to the College does not insure admission to a particular course or program. Students may, in some instances, be required to remove deficiencies before enrolling in certain courses of study or special curricula. For example,

- First-time freshmen applicants must have an ACT composite score of 16 for unconditional admission.
- Students who have an ACT composite score of 14 or 15 will be required to register for a college readiness class during their first semester of attendance.
- Manufacturing and technical programs may accept students with ACT scores below 14 but require written permission from the director of the program along with any applicable aptitude test.
  - Manufacturing programs include Machine Tool and Welding
  - Technical programs include Cosmetology, Culinary, EMT, Medical Billing and Coding, etc.

#### 6.01.02 Admission of Transfer Students

*(Revised: December 2010)*

The academic records of transfer applicants will be evaluated by the College and appropriate standing shall be given each student.

#### 6.01.03 Classroom Expression

*(Revised: August 2004; December 2010)*

Freedom of discussion and expression of views must be protected and encouraged. The instructor has the responsibility and authority to maintain order and an appropriate academic environment, but this authority must not be used to suppress the expression of views related to a subject contrary to his own.

- A. Students are responsible for learning the course for which they are enrolled.

- B. Requirements of participation in classroom discussion and submission of written exercises are not inconsistent with this section.

Information about student views, beliefs, and association acquired by college personnel in the course of their work is confidential and shall not be disclosed to persons other than College officials acting in an official capacity except with the consent, either expressed or implied, of the student or under legal compulsion.

#### 6.01.04 Academic Appeals

*(Adopted: December 2010; Revised: September 2014)*

Faculty members shall provide a syllabus at the beginning of each semester or term that includes course requirements and grading procedures. Academic evaluation on student performance shall be neither prejudicial nor capricious. Students may appeal grades awarded by faculty members by contacting the CSLO and utilizing the College's academic appeal process.

#### 6.01.05 Students Suspended or Dismissed by Other Colleges

*(Revised: December 2010; September 2014)*

UA Rich Mountain will honor the nonacademic suspensions or dismissals of other colleges for at least one semester. Exceptions may be made with the approval of the other colleges. Students on academic disqualification may petition the CSLO for admittance.

#### 6.01.06 Fees for Veterans and Military Personnel and Dependents

*(Merged: September 2014; Revised: June 2015; July 2017)*

UAS Link: [520.7 Fees for Veterans and Military Personnel 5.25.17](#)

UASP Link: [520.7 Fees for Veterans and Military Personnel 5.25.17](#)

Members who are Active Duty, Guard/Reserve, or honorably separated Veterans are covered by this policy.

UAS: [520.7 Fees for Veterans and Military Personnel 5.25.17](#)

For the purpose of tuition and fees applicable for all programs of study, including distance learning programs, all campuses of the University of Arkansas System shall classify students who are veterans or members of the armed forces, and their spouses and dependents, as "in-state" or "resident," in accordance with Section 702 of the Veterans Access, Choice and Accountability Act of 2014, 28 U.S.C. 3678 (c), as amended, and Arkansas Code Annotated 6-60-205.

The specific criteria for eligibility are to be set forth in University of Arkansas Systemwide Policy and Procedure (UASP) 520.7, which shall be amended from time to time as needed to ensure compliance with current state and federal law. Each campus shall publish the criteria set for in UASP 520.7 in its student catalog and/or other relevant publications.

UASP: [520.7 Fees for Veterans and Military Personnel 5.25.17](#)

For the purpose of tuition and fees applicable for all programs of study, including distance learning programs, effective July 1, 2015, all campuses of the University of Arkansas System shall classify a student as in-state or resident, if the student meets any of the following criteria regardless of his or her residence:

1. A veteran who was honorably discharged or released from a period of not less than ninety (90) days of active duty in the military, naval, or air service within three (3) years before the date of enrollment in a program of study;
2. A dependent<sup>1</sup> or spouse of a veteran under paragraph 1.
3. A member of the armed forces.
4. A spouse of a member of the armed forces.
5. A dependent of a member of active duty armed forces, when the member of the armed forces:
  - (a) Is stationed in Arkansas pursuant to permanent change of station (PCS) military orders;
  - (b) Is continuously domiciled in Arkansas for at least six consecutive months before entering active military service and who maintains Arkansas as a permanent home of record while on active military duty; or
  - (c) Demonstrates a change of bona fide domicile from another state to Arkansas at least twelve (12) consecutive months prior to separation, discharge, or retirement from active military duty. This provision is forfeited if the military person does not return to Arkansas within 36 months after separation, discharge, or retirement from active duty.
6. A veteran using educational assistance under either Chapter 30 (Montgomery G.I. Bill-Active Duty Program) or Chapter 33 (Post-9/11 G.I. Bill), of Title 38 of the United States Code, who lives in Arkansas while attending a school in Arkansas (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
7. A spouse or child using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. 3319) who lives in Arkansas (regardless of his/her formal state of residence) and enrolls in the school within three (3) years of the transferor's discharge from a period of active duty service of 90 days or more.
8. A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. 3311(b)(9)) who lives in Arkansas while attending a school located in Arkansas (regardless of his/her formal state of residence) and enrolls in the school within three (3) years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.
9. A person who initially met the requirements set forth in paragraphs 6, 7, or 8 will maintain "covered individual" status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school even if he or she is outside the 3-year window and enrolls in multiple programs. For purposes of a student who is eligible for the in-state tuition solely under sections 6, 7,

- or 8 above, that person must have enrolled in the school prior to the expiration of the three year period following discharge or death described in sections 6, 7, or 8 and must be using educational benefits under either Chapter 30 or Chapter 33 of Title 38 of the United States Code.
10. A member of the armed forces or "covered individual" as identified in Section 702 of the Veterans Access, Choice and Accountability Act of 2014.

<sup>1</sup>For the purpose of this policy, dependents are unmarried children who are legal dependents of the military person as defined by the IRS.

#### Students Called into Military Service

When a student is activated for full-time military service during a time of national crisis and therefore required to cease attending UA Rich Mountain without completing and receiving a grade in one or more courses, the following assistance shall be required with regard to courses not completed:

1. The student shall receive a complete refund of tuition and such general fees as are assessed against all students.
2. UA Rich Mountain shall repurchase textbooks associated with such courses, and students shall be offered the maximum price, based on condition.
3. UA Rich Mountain shall provide a reasonable opportunity for completion of the courses within the period of two years after deactivation.
4. UA Rich Mountain shall provide free tuition for one (1) semester unless federal aid is made available for the same purpose within the period of two years after deactivation.

#### 6.01.07 Withholding of Diplomas, Transcripts, and Registration

(Adopted: July 2017)

UAS Link: [505.6 Withholding of Transcripts, Diplomas and Registration 3.30.16](#)

The Registrar of each campus is authorized to withhold diplomas and official transcripts and to refuse registration to any student or former student:

1. Who fails to return University property;
2. Who fails to cooperate with any University disciplinary process, investigation, or audit, or otherwise fails to comply with University policies;
3. Who has failed to pay any fees, tuition, room and board charges, fines, or other charges assessed by a University official or by the campus disciplinary system.

With respect to any sums owed, this policy does not apply to students or former students if the University has received from a bankruptcy court a notice that a bankruptcy petition has been filed on their behalf or that the debt has been discharged in bankruptcy. Upon conclusion of the

bankruptcy case, this policy shall apply to all debt not discharged by the bankruptcy court or as permitted by law.

#### 6.01.08 Waiving Tuition and General Student Fees for Students 60 or Older

(Adopted: July 2017)

UAS Link: [520.12 Waiving Tuition and General Student Fees for Students 60 or Older 3.30.16](#)

Arkansas Code Annotated 6-60-204 provides:

- (a) When any person sixty (60) years of age or older is admitted to and enrolls as a student in any state-supported institution of higher learning in this state, the board of trustees of the institution or other appropriate institutional officials shall waive all general student fee charges for each student on a space-available in existing classes.
- (b) Fees will be waived only for courses organized to grant credit and recognized by the Department of Higher Education for credit.

Persons 60 years of age or older seeking admission must meet generally applicable admission and academic standards, and are subject to probation, suspension, and dismissal policies applicable to all other students.

Persons 60 years of age or older who are accepted for enrollment without paying registration fees shall not be entitled to any student health services, reduced student-rate admissions to athletic or other University events, and similar services and benefits for which fee paying students are eligible.

In determining whether space is available in existing classes, the campus or unit may consider whether additional instructional staff or support capacity would be needed in order to enroll a student under this policy.

Pursuant to Arkansas Code Annotated 6-64-305, this policy does not apply to eVersity.

#### 6.01.09 Posthumous Degrees

(Adopted: July 2017)

UAS Link: [505.4 Posthumous Degrees 3.30.16](#)

Posthumous degrees may be awarded according to regular procedures established at each campus, provided the deceased was nearing completion of degree requirements, had a cumulative grade point equal to or greater than that required for graduation, and has the recommendation of his/her college faculty.

Students who were enrolled in a degree program and were actively pursuing and making progress towards a degree at the time of death, but



were not yet nearing completion of degree requirements, may be awarded an honorary posthumous degree (or certificate).

To be eligible for a posthumous degree, or an honorary posthumous degree, a deceased student must not have been dismissed or suspended at the time of death, and must not have died in connection with committing a crime or similar serious misconduct incompatible with conferral of a degree from the University.

## 6.02 Student Conduct

### 6.02.01 Proscribed Conduct

*(Revised: November 2003; December 2010; September 2014; July 2017)*

In accordance with the rights of students and the College's mission and values, the Chancellor, in concert with the Administration and the College governance structure, will develop and approve a Code of Student Conduct. This code shall outline acts and behaviors that are unacceptable for UA Rich Mountain students and the procedures for review, grievance, and discipline. The policies shall be in compliance with all State and Federal laws and be reviewed and approved by the Arkansas Attorney General's Office. All policies and procedures will be published to students via the Student Handbook and the College catalog online. Following changes, the approved code of student conduct will be accessible online.

### 6.02.02 Un-enumerated Rights

*(Revised: December 2010; July 2017)*

The preceding enumerated rights shall not be construed to deny or disparage other rights retained by students in their capacity as members of the student body or as citizens of the State of Arkansas or of the United States of America.

The Chancellor of the College reserves the power to maintain order and to exclude persons who are deemed detrimental to the well-being of the institution and/or its students, faculty, or staff so long as discretion is used and such actions are neither arbitrary nor capricious.

It is recognized that these administrative procedures and rights do not restrict the laws or ordinances of the Federal Government or political subdivision thereof, and the policy power therein granted.

### 6.02.03 Travel of Students Representing the University

UASP Link: [535.1 Travel of Students Representing the University 6.6.16](#)

In order to promote safe travel for students serving as official representatives of the

University and to protect the University from claims and liability, this policy defines the circumstances under which students are considered official representatives of the University and establishes certain requirements, restrictions and procedures for students engaged in official travel. This policy covers off-campus travel regardless of the type of vehicle/means of transportation (auto, air, boat, train, etc.) and includes University, commercial, and private vehicles. Please review policy link in order to read the full policy.

## 6.03 Student Rights

### 6.03.01 Affirmative Action

(Revised: July 1989; June 1994; September 2014)

UA Rich Mountain does not discriminate against any individual on the basis of age, race, gender, color, religion, ethnic origin, or disability in any of its programs or activities.

The College does not discriminate on the basis of disability in admission or access to, or treatment of employment in its programs and activities.

Responsibility for the college's compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act is the CSLO in concert with the Director of Human Resources (DHR).

If the complainant has a disability, an uninvolved person relative to the incident in question will assist the Affirmative Action Officer in conducting a hearing at this point of the grievance procedure.

The College maintains an appeals committee to hear student grievances. A student can be heard by this committee by submitting a written request, which includes the stated grievance to be heard, to the CSLO. If the complainant is disabled, reasonable accommodation to the known limitations will be provided to assist the affirmative action officer in conducting the hearing. For additional information, refer to the grievance procedures located in the UA Rich Mountain catalog and *Governance Through Committees*.

### 6.03.02 Nondiscrimination Policy

(Revised: July 2017)

UA Rich Mountain will not discriminate on the basis of race, color, creed, religion, gender, national origin, age, or disability status in the providing of educational services or in the admission to, employment by, or promotion within the College. The College shall comply with Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Drug-Free Schools Act; the Drug-Free Workplace Act; Section 504 of the Rehabilitation Act of 1973; the Americans with Disability Act; the Family Educational Rights and Privacy Act; the Student Right to Know Act; the Campus Security Act; and all other applicable state and federal laws, rules, and regulations.

### 6.03.03 Title VI of the Civil Rights Act of 1964

No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the College on the grounds of race, color, or national origin.

### 6.03.04 Title VII of the Civil Rights Act of 1964

UA Rich Mountain 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, gender, or national origin.

### 6.03.05 Title IX, Education Amendments of 1972

UAS Link: [275.1 Title IX Compliance 5.22.14](#)

Note: As of May 1, 2017, the College Title IX team is working with UA System General Counsel for approval of the local policy and procedures for compliance with Title IX and state law regarding discrimination on the basis of sex, including sexual harassment and sexual violence.

It is the policy of RMCC that no person shall, on the basis of gender, be denied admission or be subjected to discrimination in admission. In determining whether a person satisfies any policy or criterion for admission, the College shall not give preference to one person over another on the basis of gender.

Concerning the parental, family, or marital status of a student, the College shall not apply any rule that treats persons differently on the basis of gender; shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom; or establish or follow any rule or practice which so discriminates or excludes those students; shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and shall not make preadmission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs."

The College shall not exclude any person on the basis of gender from participation in any academic, extracurricular, research, occupational training, or other education program or activity.

### 6.03.06 Americans with Disabilities Act of 1990 and Rehabilitation Act of 1973 Policy and Procedure

*(Revised: November 2003; September 2014)*

UA Rich Mountain is committed to comply with Section 504 of the Rehabilitation Act of 1973 and the American's with Disabilities Act (ADA). Reasonable accommodations will be made in policies, practices, services, and facilities to ensure equal opportunity for qualified persons with disabilities to participate in educational programs and activities.

### 6.03.07 Family Educational Rights and Privacy Act (FERPA)

*(Revised: November 2003; July 2017)*

UASP Link: [515.1 Student Education Records and the Family Educational Rights and Privacy Act \(FERPA\) 4.29.16](#)

UA Rich Mountain is committed to protect the confidentiality of student educational records and the rights of its students and is dedicated to the enforcement of the Family Educational Rights and Privacy Act (FERPA). The Chancellor, in concert with the Administration and College governance structure, shall maintain policies and procedures that are in compliance with all State and Federal laws. The policies and procedures are to be reviewed and approved by the Office of the Attorney General of the State of Arkansas. The Chancellor will delegate the responsibility to the appropriate student affairs college official for assurance that the policies and procedures are followed.

### 6.03.08 Sexual Harassment Policy

Harassment on the basis of gender is illegal and a violation of Title VII of the Civil Rights Act of 1964, 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. Policy repeated in Article IV – Personnel, Environment section, Policy 4.04.05.

#### 1. Policy.

UA Rich Mountain is committed to the maintenance of a working and academic environment free from all forms of sexual harassment. Sexual harassment is a violation of College policy as well as state and federal law and is neither permitted nor condoned.

It is also a violation of UA Rich Mountain's policy against sexual harassment for any employee or student at the College to attempt in any way to retaliate against a person who makes a claim of sexual harassment.

Any individual found to have violated the College's policy against sexual harassment will be subject to appropriate disciplinary action including, but not limited to, reprimand, suspension, termination, or expulsion. Any disciplinary action taken will depend upon the severity of the offense.

2. Definition.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to, or toleration of, such conduct on or off campus is made a term or condition of instruction, employment, or participation in College activities; Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making employment or academic decisions affecting the individual; or

Such conduct has the purpose or effect of unreasonable interference with an individual's academic or employment performance or creating an intimidating, hostile, or offensive college environment.

3. Procedures.

Students or employees who believe that they have been sexually harassed should first seek an informal resolution of this problem as outlined below. If that is not effective, such individuals then should pursue formal resolution of their complaint. All complaints must be made within thirty (30) days of the occurrence of the alleged harassment.

a. Informal Resolution.

Employees who believe that they have been subject to sexual harassment should report the problem promptly either to their immediate supervisor or the Director of Human Resources (DHR). Students who believe that they have been subjected to sexual harassment should report the problem promptly to the Vice Chancellor of Student Affairs (VCSA) or the DHR. The person to whom the complaint is made shall promptly begin an impartial consideration of the complaint and make a thorough investigation, in coordination with the DHR. If a mutually agreeable answer or settlement has not been obtained within fourteen (14) calendar days from the date of the complaint, the complainant may initiate the formal complaint procedure.

During all informal attempts to resolve a problem, to the extent possible, efforts will be made to keep the identity of the complainant confidential.

b. Formal Complaint Resolution.

If a problem cannot be resolved through informal attempts at conciliation and the complainant wishes to pursue the matter further, a formal written complaint must be filed with the VCSA or DHR.

All formal complaints shall be given a full, impartial, and timely investigation. During such investigations, while every effort will be made to protect the privacy rights of all parties, confidentiality cannot be guaranteed.

4. Sanctions.

If investigation of a reported occurrence of sexual harassment reveals that the complaint is without reasonable foundation, both parties will be so informed and will also be informed that no further action is warranted. If, however, an individual is found to have violated the College's policy against sexual

harassment, the investigating body will recommend disciplinary action appropriate to the severity of the offense, including, but not limited to, reprimand, suspension, reassignment of responsibilities, termination of employment, or expulsion from the College.

#### 6.03.09 Sexual Assault Policy

*(Adopted: August 1997)*

Sexual assault is an extreme form of sexual harassment. Sexual harassment is prohibited by College policy and is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972. Sexual assault is also a crime, defined by the Arkansas criminal code.

##### 1. Definitions

Sexual assault may include any involuntary sexual act which is threatened, coerced, or forced against an unwilling person. Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against an unwilling person or forcing an unwilling person to touch another person sexually. Sexual assault occurs when such acts are committed by force, threat, or intimidation or through the use of the victim's mental or physical helplessness.

##### 2. Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual assault should report the assault immediately to the city police. It may be reported to the appropriate county sheriff's department if the assault occurred outside the city limits.

##### 3. Preserving Evidence

It is important that evidence of sexual assault be preserved since it may be necessary as proof in a criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes or take a bath before calling the police. The victim should be taken to the nearest hospital or clinic which has kits to collect and preserve evidence of rape and sexual assault. An extra set of clothing should be taken along to the hospital if possible.

##### 4. Availability of Counseling

School officials will help victims of sexual assault in obtaining counseling on campus or with referrals to local agencies who provide these services. Additional on-site counseling will be made available based on the recommendation of Director of Human Resources.

# ARTICLE VII – COMMUNITY COLLEGE RELATIONS

## 7.01 Governance and Community Involvement

### 7.01.01 Appearance of Delegations at Board of Visitors Meeting

*(Revised: December 2010; July 2017)*

Delegations or individuals who wish to speak at any regular Board of Visitors meeting shall put the request in writing to the Chancellor of the College. To be considered for inclusion on the agenda, the request must be made one week before the regular meeting. The request must include the subject, speaker name, and contact information.

The BOV can set time limits.

### 7.01.02 Citizens Advisory Committees

College patrons will be invited to serve as members of advisory committees formed for the purpose of improving offerings of the college as needed. These will not be standing committees but ad hoc committees.

### 7.01.03 Occupational Advisory Committees

*(Revised: July 2017)*

Recognizing the value of close communications with business and industry in the service area regarding programming needs, the College will maintain advisory committees wherever practical.



## 7.02 Communication with the Community

### 7.02.01 Publicity Releases

*(Revised: December 2010; July 2017)*

College publicity releases shall be channeled through the office of the Chancellor or the designated representative.

The College Chancellor is the official college spokesperson.

### 7.02.02 Community Understanding and Personnel Responsibilities

*(Revised: July 2017)*

It is the responsibility of all personnel employed by the College to assist the Chancellor and the Board of Visitors in its efforts to create greater understanding between the college and the community.

The Chancellor and administrative staff shall provide the leadership in exploring methods for accomplishing this end.

### 7.02.03 Visits to the College Campus

*(Revised: December 2010; September 2014)*

Members of the community are invited and encouraged to visit the college and to observe in any and all classrooms, provided that such visitors to classrooms make arrangements in advance and conduct themselves in such a way that classroom work is not interrupted.

Children are welcome to visit UA Rich Mountain for special events when under the supervision of a parent or legal guardian. However, due to safety and confidentiality considerations, children should not be on campus during class and/or working hours except during an emergency.

The administration will arrange for campus tours for special groups.

### 7.02.04 Freedom of Information

*(Adopted: January 2005; Revised: December 2010; September 2014; July 2017)*

UAS Link: [270.1 Freedom of Information 1.24.14](#)

#### I. General

The University of Arkansas System is committed to compliance with the letter and the spirit of the Arkansas Freedom of Information Act (FOIA) (Arkansas Code Annotated 25-19-101 et seq.). The purpose of this policy is to provide guidelines for the handling of and responses to requests for public records under the FOIA by the System, campuses, divisions, and units.

#### II. Scope

The scope of this policy shall be requests to inspect and copy public records as defined by the FOIA and as interpreted by judicial decisions and opinions of the Arkansas Attorney General Counsel, subject to exemptions under the FOIA and other applicable laws.

- III. Coordination of Requests under the FOIA
  - A. The Chancellor shall designate an official to coordinate requests to inspect and copy public records under the FOIA and to assist the requestor in identifying the appropriate custodian of such records.
  - B. The Chancellor shall furnish the President the official of the campus who is responsible to coordinate FOIA requests and shall furnish other applicable policies and procedures of the College to assure that the coordinator can promptly seek and receive responsive records to a request under the FOIA.
  - C. The coordinator shall keep an accurate record of FOIA requests received, including the name and contact information of each requestor, the date on which the request is received, the date on which the records are made available or copies provided, and any other information demonstrating the compliance by the campus with the FOIA for each request.
  - D. Any University employee who receives a request for public records under the FOIA shall immediately furnish such request or a copy thereof to the coordinator of the specific campus.

Requests for information shall follow applicable State and Federal laws governing freedom of information. All FOIA requests must be forwarded to the UA Rich Mountain Office of the Chancellor for processing. The latest version of the *Arkansas Freedom of Information Handbook* shall be used as a resource in determining the validity of requests. The detailed record of FOIA requests shall be kept.

When the requested information is not available electronically, copies will be made. If the request is for more than 25 pages, the cost to comply will be levied using a price per page equivalent to the standard copy rate charged in the UA Rich Mountain Library. The resulting invoice shall accompany the copies and is payable upon receipt. Mailing costs will be included if the copies are not picked up.

## 7.03 Facility and Equipment Use

### 7.03.01 Community Use of College Facilities

*(Revised January 2005; December 2010; September 2014; July 2017)*

UAS Link: [705.1 Use of University Facilities 9.14.18](#)

UASP Link: [715.1 Use of University Facilities 9.19.18](#)

UA Rich Mountain encourages the use of UA Rich Mountain facilities by community groups and organizations within the scope of UA System policy, Arkansas statutes, and other appropriate legal regulations.

The administration is authorized to approve and schedule the use of UA Rich Mountain facilities by all college and non-college organizations. The administration is given authority to grant or deny use within the framework of policy. The College reserves the right to cancel at any time any and all permission granted for the use of the college facilities when such action is necessary for the best interest of UA Rich Mountain.

A Chancellor-approved fee schedule for use of any college facility shall determine all charges to an outside organization.

#### [705.1 Use of University Facilities 9.14.18](#)

College facilities exist for the primary purpose of serving a planned and scheduled program of educational activity. At times when not required in the regularly planned educational program, University facilities may be made available for extra-curricular use to colleges, departments, and other organizational units of the University; to organizations composed exclusively of faculty and staff; to organizations which exist solely for the benefit of the University; and to recognized student organizations with the approval of the faculty advisor.

University facilities under the law cannot be made available to other organizations for their own purposes. However, when a facility is in use neither for a regularly scheduled educational activity nor for an extra-curricular use by one of the University organizations listed above, the President or Chancellor is authorized to approve the use of the facility when such use serves the educational objectives of the University. It is an objective of the University to provide opportunities for University and broader communities to see and hear major leaders from throughout the state, nation, and world. Speeches and debates by or on behalf of candidates for major state or national offices may be scheduled in University facilities under arrangements which allow reasonable opportunities for opposing candidates or points of view. It must be made clear that the University neither supports nor opposes the views stated by and/or the candidacy of such individuals.

See University of Arkansas Systemwide Policies and Procedures 715.1 dated April 29, 2016, for statement of principles, procedures, etc.

### 7.03.02 Learning Commons

*(Merged September 2014)*

The Johnson Learning Commons serves the informational needs of students, faculty, and the residents of Polk County and the UA Rich Mountain service area. The hours of operation during the week correlate with the college schedule.

### 7.03.03 Use of College-Owned Vehicles

*(Revised: December 2010; September 2014)*

All State vehicles and State vehicle operators are subject to the *Arkansas State Vehicle Safety Program Rules and Regulations*. The appropriate forms must be completed and on file in the Business Office.

College vehicles will only be used for College business, including sponsored student activity trips and approved activities. Prior approval from the Chancellor, or in his/her absence the Vice Chancellor of Administration, is necessary for anyone other than a College employee to operate a College vehicle.

### 7.03.04 Use of College-Owned Equipment

*(Revised: October 1996; December 2010; September 2014)*

All college-owned equipment, including computers and audio/visual equipment whether it is housed by Computer Services or in the Library, has been obtained for use by the College and is not to be loaned or rented to other organizations or individuals except when the Chancellor or appointed designee deems it to be in the best interest of the institution. The UA Rich Mountain Lending Agreement form is available on the intranet and in the Chancellor's Office. The form is to be completed and, if approved, kept on file for one year.

### 7.03.05 Office Access

*(Merged September 2014)*

An employee's office should not be entered when locked except for cleaning by maintenance, an emergency college need, or the occupant has given permission to do so.

In the event that facility or technology staff have other needs to enter an office for reasons besides housekeeping, routine maintenance, HVAC issues, or computer related issues, notification shall be made to the occupant.

## 7.04 Sales and Solicitation

### 7.04.01 Sale of Instructional Supplies

*(Adopted: January 2005)*

Any type of books or supplies must be sold through the Bookstore and have prior approval of the Administration.

### 7.04.02 Solicitation by Outside Organizations

*(Adopted: January 2005; Revised December 2010; September 2014)*

All outside organizations must obtain permission from the CSLO before soliciting at the College.

Solicitation refers to the acts of approaching another, be it in person, by mail, by flyer, by phone, by other means, or through electronic medium with the intent to

1. Buy or sell goods or services, take orders, or collect money from other than members of a sponsoring organization,
2. Distribute political or other types of information, or
3. Proselytize religious beliefs.