



FACULTY

Handbook

April 21, 2022

Dear Esteemed Faculty of Philander Smith College:

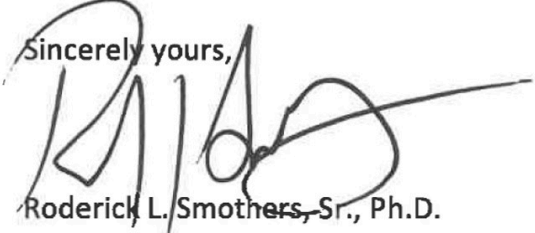
I am pleased to provide you with the newest edition of the Faculty Handbook, which was recently approved by the Board of Trustees on February 24, 2022. First and foremost, the Faculty Handbook represents the College's commitment to shared governance. Additionally, it provides critical information, guidance, and privileges pertaining to those who maintain the various faculty designations and ranks.

As many of you might recall, the process for revising the Faculty Handbook was been quite a journey. I applaud the hard work that was undertaken to review and recommend revisions that support our current operations while also preparing us for future-focused, competitive policies and practices that will help us to recruit and retain high-quality faculty. I am especially appreciative for the leadership of Dr. Shannon Clowney-Johnson (Interim Vice President for Academic Affairs), Dr. Lloyd Sain (Faculty Senate President), the members of the Faculty Senate Handbook Committee, and the entire Faculty Senate. Your collaborative efforts played an essential role in realizing a document of which we can all be proud.

Philander Smith College's mission is clear: ***"to graduate academically accomplished students, grounded as advocates for social justice, determined to change the world for the better."*** As members of our faculty, each of you has an essential role in this effort. I encourage you to carefully review all of the policies and procedures contained within this document, and to use its provisions to support the success of your teaching, advising, and scholarship.

Thank you for all that you do to ***Move Philander Forward!***

Sincerely yours,



Roderick L. Smothers, Sr., Ph.D.
President and CEO

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CHAPTER ONE: ADMINISTRATION & GOVERNANCE

1.1 Philosophy of Shared Governance

Consistent with its close affiliation with the United Methodist Church, the College embraces the concept of shared governance with its Faculty, Staff, and Student Senates—established forums with representative leadership to voice concerns and promote positive change—at every level of its organization. For the faculty, the Faculty Senate (*see* Appendix A) and its recognized and duly constituted Committees (*see* Appendix B) create a forum through which meaningful access and input into decision-making in all major components of the College can be submitted to the College’s Executive Cabinet. The College encourages a spirit of collegiality and shared input in decision-making, enabling the College to be inclusive, effective, and efficient. To that end, the Faculty Senate has certain obligations to the College with respect to the administration of some of its employment functions, as later defined. Key to the success of any shared governance arrangement, however, is the Faculty Senate’s good faith and timely compliance with its delegated responsibilities. In the event that the Faculty Senate is unable to perform its obligations hereunder for any reason, then the College—applying its own procedures—will continue to perform its administrative functions for efficient and effective operations. In all cases, the President of the College, as its Chief Executive Officer, has final authority with respect to all personnel actions.

President of the College. The President of the College shall be the Chief Executive Officer:

1. All administrative officers, faculty, and other staff members shall be responsible to the President for performance of their duties;
2. The President shall be responsible only to the Board of Trustees and the Executive Committee of the Board;
3. The President of the College or a representative designated by the President shall be the Ex Officio member of all Standing Committees of the Board of Trustees;
4. The President shall perform such duties as are traditionally the responsibility of a church-related college president and such other duties as may be delegated to that office by the Board of Trustees. These duties shall include, but are not limited to the following:
 - a. Enforcing of all rules and regulations of the Board of Trustees, including removal of any officer or internal administrator, faculty member, or employee from the performance of their College functions. Such removal shall be in accordance with approved personnel policies of the College;
 - b. Providing leadership in the development of policies concerning the educational aims and purposes of the College, academic standards, curriculum and policies concerning admission, retention, and graduation of students;
 - c. Recommending to the Board of Trustees such administrative plans, structures, and personnel needed to achieve the goals adopted by the Board;

- d. Preparing of the annual budget for submission to the Board;
- e. Representing the interests and recommendations of the faculty, other officers, employees, and students of the College to the Board of Trustees;
- f. Forming of such advisory councils as deemed appropriate.

Vice President for Academic Affairs. The Vice President of Academic Affairs (VPAA) is responsible for overseeing curricula, enforcing academic standards, and maintaining academic records. Other duties of the Vice President for Academic Affairs include:

- 1. Supervising the instructional programs of the College;
- 2. Approving all teaching assignments, faculty absences, course and class scheduling, and academically related purchases and travel;
- 3. Collaborating with the College President and Department and Division Chairs in the approval and appointment of new faculty;
- 4. Planning and conducting the evaluation and professional development of faculty;
- 5. Planning for the improvement of curricula and instructional programs;
- 6. Approving budget requests from the divisions and advising the College President regarding the allotment of funds after the budget has been approved by the Board of Trustees;
- 7. Overseeing the accreditation and re-accreditation of academic programs;
- 8. Representing the College at conferences and meetings dealing with academic and higher education issues relevant to the College;
- 9. Overseeing the implementation of Title III and Title IV programs as related to the College's academic programs;
- 10. Supervising Division and Department Chairs;
- 11. Overseeing the operations of the library;
- 12. Recommending actions on academic appointments, promotions, and terminations;
- 13. Mediating disputes between faculty and students;
- 14. Interpreting the College's academic policies;
- 15. Approving courses and class scheduling.

1.2 Academic Area Chairs

For administrative purposes, the academic programs of Philander Smith College are organized into six academic divisions: Arts & Humanities, Business Administration, Education, General Education, Natural and Physical Sciences, and Social Sciences. The Division Chairperson is the chief administrative officer of each division.

All divisions consist of one or more departments, each having a chairperson. The

College catalog provides a current list of departments within each division.

Division Chairpersons. Division Chairpersons are the administrative and instructional heads of their divisions. They are responsible for fiscal and academic planning, personnel decisions, and recommendations within their divisions. They are responsible for implementing and administering all College policies and procedures, for maintaining appropriate records, and for providing periodic reports as required.

Division Chairpersons are selected on the basis of professional preparation, competence, and leadership ability. Each year, Division Chairpersons are recommended to the College President for appointment, reappointment, or non-reappointment by the Vice President for Academic Affairs on the basis of their performance evaluations by faculty and other relevant qualifications. Duties of the Division Chairpersons include, but are not limited to:

1. Recruiting and evaluating division faculty;
2. Coordinating the activities of division faculty;
3. Seeking funds for the division through grant writing;
4. Disseminating information to the faculty;
5. Participating in and supporting community service activities;
6. Preparing and administering division budgets;
7. Participating in and supporting division research activities;
8. Maintaining and updating division records. Records may include but are not limited to:
 - a. General files: articulation agreements, attendance records, budget purchase orders, catalogues, correspondence, course syllabi, enrollment verification, faculty annual reports, final examinations, monthly expense reports, strategic planning, and Title III;
 - b. Private files: MAPP scores, department final grade reports, teacher licensure plan, sensitive material such as identification numbers and budgets, independent contracts, mid-term rosters, placement exams, and student evaluation reports;
 - c. Personnel files: adjunct faculty contact information, adjunct faculty files, assistants' files, full-time faculty files, peer evaluations, and potential faculty files;
 - d. Sensitive documents: award grants, budgets, committee files, current academic year class schedules, Division Chair Meeting files, enrollment reports, fiscal reports, Recommendation for Hire forms (filled in), recommendations for promotion, recommendations for student scholarships, schedule changes, and sensitive issues files;
9. Participating in and supporting professional development activities;

10. Reviewing and developing division curricula;
11. Establishing and maintaining advisement procedures for the division faculty;
12. Recommending library purchases to support course offerings within the division
13. Reviewing, evaluating, and recommending faculty development needs in terms of study institutes, retreats, exchange programs, seminars, and conferences;
14. Reviewing performance evaluations of instructors and making recommendations to the Vice President for Academic Affairs concerning promotion, tenure, sabbatical leave, dismissal, or non-reappointment.

In fulfillment of these responsibilities, the Chairpersons meet regularly with department chairs and faculty in their divisions. They provide leadership by facilitating and encouraging the establishment of divisional and departmental committees to assure faculty involvement in the decision-making process. Division Chairpersons report to the Vice President for Academic Affairs.

Department Chairpersons/Program Coordinators. Department Chairpersons are appointed by the College President on an annual basis and renewal is based upon the recommendations of the Division Chair, and the Vice President for Academic Affairs. Department Chairpersons are responsible for:

1. Preparing departmental budgets;
2. Reviewing curricula and making recommendations for curricular changes;
3. Developing departmental course schedules;
4. Recruiting students and coordinating activities geared toward student retention;
5. Maintaining student records;
6. Seeking funds through grant writing;
7. Recommending department library acquisitions and preparing departmental reports;
8. Participating in professional development, research, and community service activities;
9. Assisting in recruitment of faculty and students for their academic areas;
10. Evaluating the performance of instructors within the department and making recommendations to the Division Chair concerning promotion, tenure, sabbatical leave, dismissal, or non-reappointment.

Any additional compensation associated with a Division Chair, Department Chair, and Program Coordinator designation will generally be addressed in the individual's employment agreement or otherwise through the processes established by the appropriate administrative channels.

1.3 Faculty

The Faculty Senate. Because the College is resolutely committed to the concept of shared governance, all members of the faculty are expressly encouraged to volunteer their time to serve the offices and committees of the Faculty Senate. The Faculty Senate, which consists of all full-time, tenure-track and tenured faculty, receives information and/or takes action on recommendations received from committees, departments, divisions, the Vice President for Academic Affairs, the College President, or the Board of Trustees. Faculty Senate meetings take place monthly during the academic year to consider matters affecting the academic welfare of the institution, to formulate positions and determine appropriate responses, and to generate information to be shared with faculty and administrative bodies. The Faculty Senate will consider other matters that affect the morale and working efficiency of the faculty through its duly constituted standing committees. A listing of the committees of the Faculty Senate are in Appendix B.

Areas of Responsibility. The Faculty Senate of Philander Smith College is charged with the following responsibilities:

1. Determining standards for admission, promotion, and graduation of students;
2. Determining the courses of study and methods of instruction and proposing needed modifications in the rules for academic operations;
3. Recommending candidates for graduation to the Board of Trustees;
4. Submitting reports during and at the end of each academic term as required by College administration;
5. Reviewing and approving or disapproving policy proposals pertinent to the academic function of the College. These proposals may include but are not limited to: changes in academic programs and standards, changes in graduation requirements, new degree programs, new major or academic programs, elimination of existing degrees or major programs (except in cases where a governing body such as the Arkansas Division of Higher Education has mandated such an elimination), creation of new academic departments, and recommending changes to the Faculty Handbook. Decisions made by the Faculty Senate are subject to the oversight of the Vice President for Academic Affairs, the College President, and the Board of Trustees;
6. Coordinating the selection of faculty for Standing Committees;
7. Proposing means for more effective utilization of resources for instruction;
8. Establishing such short term and/or task specific committees (ad hoc) as may be necessary to carry out its functions;
9. Providing a forum for the free expression of faculty opinion without fear of reprisal from administration or division chairs;
10. Advising administration regarding standards and procedures for faculty evaluations;

11. Working to promote and maintain academic freedom.

Officers of the Faculty Senate. The officers of the Faculty Senate shall be a president, a vice president, a secretary, a parliamentarian, and a faculty representative to the Board of Trustees, all of whom shall be elected annually by the Faculty Senate membership. There shall be no limit on the number of terms a member of the Faculty Senate may hold office; however, no officer, with the exception of the Secretary, may serve more than two consecutive terms in the same office. Officers of the Faculty Senate will serve from April until the installation of new officers occurring at the next annual April meeting of the Faculty Senate.

1. The president of the Faculty Senate shall serve as chief speaker for the faculty and as the faculty representative on the College President's Administrative Council. The President of the Faculty Senate will serve as the presiding officer for all Faculty Senate meetings.
2. The Vice President of the Faculty Senate will serve as Senate President in the case of absence or incapacity of the President of the Faculty Senate. The Vice-President is also responsible for making sure that committees meet, and when possible, shall attend all faculty committee meetings.
3. The Secretary of the Faculty Senate shall notify the faculty, President's Executive Cabinet, and ex officio members of the dates of Faculty Senate meetings at least two weeks prior to each meeting. The Secretary is responsible for keeping the minutes of each Faculty Senate meeting, distributing agendas and the previous meeting's minutes, as well as any other pertinent materials, and compiling a record of attendance for each meeting of the Faculty Senate. The Secretary and President or Vice President must sign and date all minutes and keep a record in the minute books of the Faculty Senate.
4. The Parliamentarian of the Faculty Senate shall advise members on procedural questions for each meeting. Meetings of the Senate are conducted under the revised *Robert's Rules of Order*. Decisions that are made as a matter of policy will be put in writing by the Parliamentarian and disseminated to all concerned parties. The Parliamentarian shall also determine at all meetings if a quorum is present to conduct business. Any written opinions of the Parliamentarian shall be signed and dated. Opinions must be kept and maintained in the Secretary's records.
5. The Faculty representative to the Board of Trustees shall represent the interest of the faculty to the Board of Trustees and shall serve as a non-voting Board member. The Faculty Representative shall be prepared to report to the Board of Trustees on issues before the Faculty Senate. The Representative shall also be prepared to make a full report to the Faculty Senate after each meeting of the Board of Trustees. The Board of Trustees shall have final authority to appoint a Faculty representative from a slate of at least three faculty members nominated by the Faculty Senate.
6. An Executive Committee shall be established, consisting of the officers of the Faculty Senate. The Executive Committee will arrange meeting times and agendas

for the Faculty senate and shall ensure there are nominations to the standing committees as well as any ad- hoc committees which may be needed. The President of the Faculty Senate shall serve as chair of the Executive Committee.

Proceedings of the Faculty Senate.

1. Voting Rights. Each faculty member who is full-time, non-tenured track, tenure-track and tenured faculty, including professional librarians, excluding those serving more than half-time in administrative capacities, has the right to vote on any matter brought before the Faculty Senate. Tenure-track faculty are those faculty who hold full-time positions, who hold academic rank, and who are assigned to a tenure-track position within an academic division. Part-time faculty may attend Senate meetings but will have no voting privileges and may not serve as officers of the Faculty Senate.
2. The quorum necessary for the transaction of business by the Faculty Senate shall be one third of the eligible voting members.
3. Actions of the Faculty Senate require a simple majority vote either by voice or by show of hands.
4. The revised *Robert's Rules of Order* is the authority for Faculty Senate meetings. Rules governing Faculty Senate meetings may be amended by two-thirds of the quorum present at any regular meeting provided that written copies of the amendment have been distributed at the beginning of the meeting.
5. Meetings of the Faculty senate will be held once a month throughout the academic year. Special meetings can be called by the Executive Committee should the need arise. Any requests for special meetings of the faculty Senate should be made to the faculty at least forty-eight hours in advance of any meeting called under this provision, and the notice must include a statement of the issue to be considered.
6. Excluding matters committed to the Faculty Grievance Committee, during the course of the summer, the Executive Committee shall be empowered to act provisionally on an emergency basis on behalf of the Faculty Senate, subject to the approval of the full Faculty Senate when it reconvenes.
7. Meetings of the Faculty senate are open to the College community. Speaking privileges before the Faculty Senate are granted to anyone recognized by the Faculty Senate president, or whose right to speak is supported by a majority of the members present. The President of the College, the President of the Student Government Association, and the Vice President of Academic Affairs shall have the right to address the Faculty Senate.
8. Minutes of all meetings of the Faculty senate will be distributed to all members and to the Vice President for Academic Affairs. The Vice President for Academic Affairs will then send motions forward (when applicable) to the Academic Policies and

Student Affairs Committee of the Board of Trustees.

9. Decisions made by the Faculty Senate shall be final when approved by the President of the College and the Board of Trustees of Philander Smith College. The President of the College shall have the right to non-concur with any proposed action of the Faculty Senate. However, in exercising this right, the College President shall state the reasons for non-concurrence in a letter to the President and Secretary of the Faculty Senate. Before any other action, the Executive Committee of the Faculty Senate and President and VPAA of the College shall meet to discuss a compromise. If no compromise is made, the Board of Trustees shall then be notified of the action of the Faculty Senate and the non-concurrence of the President of the College, along with the stated reasons of the President. A final determination of the matter shall be made by the Board of Trustees, and until such time, the Faculty Senate shall adhere to the President's decision.

Meetings: The Faculty Senate meets the 3rd Thursday of each month when classes are in session.

CHAPTER TWO: FACULTY DUTIES AND RESPONSIBILITIES

2.1 Expectations for Faculty

The College is to be served by outstanding, highly motivated faculty who possess the ability to motivate others and outstanding interpersonal skills, the requisite knowledge base, and the skills to apply that knowledge. Thus, the College expects the following from all members of its faculty:

1. Be effective teachers in conformity with the Higher Learning Commission, United Methodist Church's University Senate, and any other discipline-specific accreditation standards;
2. Be actively engaged in scholarly pursuits, including research, publication, and grant writing;
3. Render service to the College community and participate in the College's religious functions as necessary from time-to-time and in conformity with the faculty contract;
4. Be engaged in professional development; and
5. Render service to the community at large.

Faculty must demonstrate respect to their students as fellow human beings. They must maintain appropriate professional relationships with students, as well as appropriate and professional boundaries, at all times. Faculty members must evaluate students fairly, encourage and protect students' academic freedom, and refrain from exploiting students in any fashion for personal or professional gain. In the same ken, and as we have learned over the course of our lengthy and illustrious history, we are at our very best when we work collegially as a team. Thus, faculty must relate appropriately to their colleagues, respecting their academic freedom to research, teach, and offer their

opinions to the College community.

Professional, responsible faculty view themselves as partners in the College community, sharing in the work/tasks necessary for the College to achieve its mission, goals, and objectives. This includes committee work, participation at departmental, divisional, and College-wide meetings, and assistance with accrediting requirements.

2.2 Romantic Relationships

The College strives to provide a learning and working environment that is characterized by trust and mutual responsibility, and that observes our Methodist virtues of justice, love, and freedom. Consensual romantic relationships in which one party has any professional responsibility (or potential responsibility) for another's academic or job performance are a violation of professional ethics, create a risk for real or perceived coercion, and are expressly a violation of this policy.

This policy applies to all officers of instruction, research, and the libraries, including students with appointments as student officers of instruction and research and undergraduate teaching assistants. The use of the term "faculty" in the policy statement is not meant to restrict the policy's application in any way but to underscore its special relevance to the faculty because of the roles they play in the education and development of the College's students.

Relationships Involving Authority and Power. Sexual misconduct often involves relationships of unequal power, even if the relationship appears to be consensual. The power differential inherent in such relationships may compromise free choice. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting privileges or favorable treatment in the classroom or on the job. However, sexual misconduct may also involve relationships among persons of equal authority or power, such as when repeated advances or demeaning verbal comments by a co-worker have a harmful effect on a person's ability to perform his or her work.

Relationships between Employees (including Faculty and Staff) and Students. Romantic (*e.g.*, dating, amorous, etc.) relationships between employees (including faculty and staff) and students pose a threat to the integrity of the educational process and are specifically prohibited. First, these relationships may be unjust to the involved student because of the inherent asymmetry of power existing between students and employees. With respect to faculty, the pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development. Second, the trust and collaboration of other students with the involved persons may be compromised and impair the learning environment for other students. Finally, by their nature, such relationships may undermine justice in subtle or inadvertent ways by unbalancing the attentions of the person in authority. Ultimately, consensual romantic relationships between employees and students can interfere with a free and focused learning and working environment for each party, and as such, these relationships are strictly prohibited.

Note: In the case of a faculty member's pre-existing relationship with an individual who later becomes a student (*e.g.*, a faculty member's spouse decides to complete his or her degree), no violation of this policy will be found so long as the faculty member recuses himself or herself from all academic and professional decisions and activities affecting the student and otherwise notifies the Vice President for Academic Affairs and Director of Human Resources of that relationship for the purposes of making alternative instructional and supervisory arrangements necessary to protect the student, employee, and College.

Relationships Between and Among Employees. No faculty member shall ever have a romantic or sexual relationship with a current employee of the College over whom he or she exercises professional authority. It is also the policy of the College that no faculty member shall exercise professional authority over any employee with whom he or she has or previously had a romantic or sexual relationship.

Disciplinary Action. Any faculty member who engages in a sexual relationship with current students and employees of the College over whom he or she exercises professional authority should appreciate that doing so presents a serious risk of disciplinary action, and may rise to the level of an action involving moral turpitude for which the College's discretion shall supply an abundant basis for just cause.

At a minimum, if a faculty member enters into a romantic or sexual relationship with a student or employee in violation of the policy, he or she shall promptly act to recuse himself or herself from all academic and professional decisions and activities affecting the student and employee as the case may be. Additionally, the faculty member must promptly alert the Vice President for Academic Affairs and Director of Human Resources of that relationship and cooperate in making alternative instructional and supervisory arrangements necessary to protect the student, employee, and College. Depending on the facts and circumstances of each situation, the faculty member may be subject to disciplinary action, up to and including termination. Further, if a faculty member fails to disclose a romantic or sexual relationship covered by this policy, the College will, upon discovery, take all necessary steps to ensure compliance with this policy, including, where appropriate, disciplinary action, up to and including termination.

Students, faculty, and staff concerned about romantic relationships involving others in their programs or classes are encouraged to speak with the Vice President for Academic Affairs. The College's educational mission is promoted by the professionalism of its faculty-student and faculty-staff relationships. This professionalism is reflected not only in the quality of the intellectual exchange between faculty and students but also in the nature of their interactions as members of a community of scholars. The academic freedom traditionally accorded to members of the faculty imposes a correlative obligation of responsible self-discipline, one that acknowledges the power they exercise over students and staff, and the importance of protecting against its abusive or exploitative use. Further, because of the power differential, romantic and sexual relationships between faculty, employees, and students are highly susceptible to being characterized as non-consensual or coercive, especially when they end, opening up the possibility of a charge of sexual harassment or sexual assault. The College prohibits any form of sexual

harassment by its faculty, whether towards other faculty, staff, students, or members of the public.

2.3 Course Load and Teaching Assignments

The primary duty of each faculty member is to teach. Faculty are expected to assume a fair share of the teaching load. In all departments, a full teaching load is normally twelve (12) hours or the equivalent. Six (6) credit hours is a normal teaching load during a five-week summer term. Adjustments in teaching load may be made on the basis of the following factors:

- a. Administrative duties;
- b. Direction of student co-curricular activities;
- c. Release time for research and professional growth activities;
- d. Duties pertaining to accreditation;
- e. Special assignments by the Division Chair or Vice President for Academic Affairs;
- f. Committee duties pertaining to faculty governance;
- g. Need and ability to cover coursework; and
- h. Other factors deemed relevant or prudent by the Vice President for Academic Affairs.

The Department Chairperson, Division Chairperson, and Vice President for Academic Affairs respectively, must be consulted regarding any deviations from this regulation. In departments with responsibilities for general education courses, all faculty are expected to share in the load. Faculty are paid on a salary basis for all hours worked pursuant to the FLSA's professional exemption, and additional course hours beyond the contracted amount will be compensated in accordance with the College's Overload Compensation policy.

2.4 Course Standards

Syllabi Generally. Faculty are required to prepare, at the beginning of each semester, syllabi that adhere to the Philander Smith College Course Syllabus Guidelines. A syllabus must be prepared for each individual course that the faculty member teaches. Copies of the syllabi are required to be filed with the Division Chairperson; the Library; and the Office for Academic Affairs. Syllabi are to be passed out to all students no later than the fourth meeting of three-day classes, the third meeting of two-day classes, and the second meeting of one-day classes. Deviations from the course syllabus should be communicated to all students, and updated syllabi must also be provided to the individuals and offices set forth above. Syllabi should also be updated each semester or each year to reflect and incorporate course feedback so as to improve the quality of

instruction.

In compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and with the Americans with Disabilities Act of 1990 (ADA), the College recognizes that qualified students who have diagnosed or identified learning, physical, or emotional disabilities are entitled to the same benefits from the educational programs of the College. The College is committed to providing access to the full range of educational programs and activities.

To that end, all faculty members must include the following statement in each course syllabus: **“Students with Disabilities Policy: It is the policy of Philander Smith College to accommodate students with disabilities pursuant to federal and state law. Any student with a disability who needs accommodations, for example, in seating placement, arrangements for examinations, or class location, etc. should bring me official documentation, and I will make necessary accommodations. If you have questions about whether you qualify for a reasonable accommodation, please contact the Integrated Campus Center Disabilities Services Office at (501) 370-5356.”**

Disability services at the College are focused on facilitating opportunities to stimulate and create a barrier-free environment, eliminating academic, social, and physical obstacles that impede students’ access to higher education. Eligibility for these services is determined individually based on documentation of need. To receive disability related accommodations and services, students must first register with the Integrated Campus Center Disabilities Services (ICCDs) Office and provide current and appropriate medical and/or psycho-educational documentation which identifies the specific nature and extent of a qualifying disability, including the functional limitations currently imposed by the disability. Assistance and accommodations will be provided on an individual basis and will be determined by the student’s disability documentation. Appropriate accommodations should be requested by the student once verification of his/her disability is received.

Attendance. Students are expected to attend all classes as scheduled. Faculty should have a specific policy that complies with the attendance policy stated in the College catalog. The attendance policy should be included in course syllabi and announced to the class at the beginning of each term. Faculty will report designated students to the STARS Office who do not attend or frequently miss class. Students who excessively miss class are subject to administrative withdrawal at the discretion of their professor. Students who are absent due to illness or other legitimate excuses should be advised to contact the Office for Academic Affairs and the appropriate instructor(s) and explain the situation. The Office for Academic Affairs will then contact the student's instructors regarding the absences when appropriate. Class absences due to a student's participation in athletics, club activities, other extracurricular activities, or activities of another course should be cleared with all affected instructors. Coaches, advisors, or instructors who supervise such activities are required to file a list of participants and a semester calendar of travel dates with the Office for Academic Affairs. Any classroom absence, for whatever reason, is never an excuse for not completing all work in the course. Attendance should be monitored and

documented by the instructor and not by the students.

Examinations. In the course syllabus, faculty are expected to include a thorough explanation of testing policies. These policies should be announced to each class at the beginning of each term. The frequency of regularly scheduled and make-up examinations is at the discretion of the faculty member. However, certain general policies should be followed:

1. Faculty should provide students with a number of examination opportunities during the term;
2. Testing materials should be modified and updated from term to term;
3. Students should be given an opportunity to review examinations after grading.
4. Make-up examinations are permitted only for valid absences. A student who misses an examination without a valid excuse should receive a failing grade for that examination;
5. Every effort should be made to ensure that mid-term grades accurately reflect a student's standing and progress;
6. The final examination period is a part of the regular semester or term, and faculty are urged to view it as such. The Office of the Registrar publishes a schedule for final examinations. Final examinations for summer terms are generally administered during the last class meeting;
7. A student who misses a final examination and has a valid excuse should be given a grade of "I", an incomplete.

Misconduct During Examinations. An instructor who apprehends a student displaying academic misconduct in or during an examination will take appropriate action. The instructor must notify the student's Division Chairperson of the action taken.

Plagiarism. Plagiarism is a serious academic offense and will not be tolerated. Students may not copy whole texts, phrases, words, or ideas without giving appropriate credit to the original source. When an instructor has evidence that a student has committed plagiarism, he/she will take one of the following actions and inform the Vice President for Academic Affairs in writing: (1) give the student a failing grade on the plagiarized work; or (2) suspend the student from that class.

Grading and Change of Grades. At the beginning of each term, faculty should include in their syllabi and explain to students how the final course grade will be determined. In addition, faculty should continually review and re-evaluate their own grading procedures for the purpose of maintaining academic integrity, excellence, and fairness. Faculty will keep accurate records of student grades and attendance. These records remain the property of the College and are to be turned in to the Division Chairperson upon the faculty member's departure from the College. (See Academic Catalog for Grade Change Policies and Procedures).

2.5 Academic Advising and Office Hours

The responsibility of providing sound academic advising to students is shared by the Division Chairs, Department Chairs, and all faculty. Each Division Chair is expected to develop an initial advising system for the division's students and faculty. All faculty will be assigned a number of designated student advisees by the Department Chair. Faculty assist students with the planning of their academic programs; review their career objectives; and help prepare class schedules. Students reserve the right to request and be granted a change of advisor.

Because some of the most critical conversations in the pursuit of a student's academic endeavors occur with their professors outside of the classroom, all faculty are required to maintain pre-established and honestly observed office hours for the purpose of having conferences with and advising students. Each faculty member is required to be available to students a minimum of 10 hours per week for academic counseling and assistance. Division Chairpersons are expected to maintain fifteen (15) office hours per week. At the beginning of each semester, faculty shall post office hours and class schedules and file this information with the Division Chairperson and the Vice President for Academic Affairs. Office hours should be arranged to accommodate student schedules. These office hours should be contained in course syllabi and posted on the faculty member's office door. In the event a faculty member cannot keep his or her posted office hours, he or she must post a notice of the alteration in the pre-set office hour schedule and/or also provide a copy via email/text to the Department Chair or Division Chair. In an event of an emergency (when prior notice is not possible), the faculty member will need to notify the Department or Division Chair upon return. Failure to maintain such office hours could factor into a negative evaluation and may be cause for disciplinary action.

2.6 College Activities

Full-time faculty must attend major College activities as designated by the President of the College, including but not limited to:

1. Opening Convocation;
2. Baccalaureate and Commencement Services;
3. State of the College Address;
4. Founder's Day Convocation;
5. Honors Convocation;
6. Faculty Meetings;
7. Faculty/Staff Institute; and
8. Other events as reasonably determined by the College to benefit from faculty attendance.

Failure to attend these important events and activities within the College without sufficient justification or explanation may result in disciplinary action, up to and including termination.

2.7 Faculty Absences

When it is necessary for a faculty member to be absent from a class, for reasons other than those associated with illness, bereavement, or FMLA leave, it is the faculty member's responsibility to make arrangements in advance for the course content to be covered during his or her absence. The faculty member must complete a Faculty Leave Form a minimum of two weeks prior to the absence (whenever possible). In cases where events or meetings are scheduled within that two-week window, a Faculty Leave Form must be submitted within five business days upon return to campus. The Faculty Leave Form must be filed with the Division and Office for Academic Affairs.

Unexpected, extended absences of a faculty member must be processed through the Division, Academic Affairs and Personnel offices so that arrangements may be made for carrying out the faculty member's responsibilities. Sufficient explanation and justification for an extended absence may be required in order for the College to properly designate the period of leave. In all cases, however, the faculty member must provide the Division office with the tools needed to fulfill his or her classroom obligations: syllabi, textbooks, keys, etc. Failure to complete a Faculty Leave Form could factor into a negative evaluation.

2.8 Outside Employment for Faculty

The College's general outside employment policy applies to its faculty. However, because a faculty member's professional qualifications have great value in areas beyond his or her normal College assignments, he or she may request approval from the Vice President for Academic Affairs to engage in outside employment to the extent that such outside employment does not compete with the College and does not delay, conflict, or interfere with instructional, scholarly, and/or other services expected by the College as outlined in this handbook. In any case, no faculty member may hold full-time positions at two institutions, or a full-time position at Philander Smith College and a supervisory position (*e.g.* Division Chair, Coordinator, Director, Dean, or Vice President) at another institution. Faculty who are employed full-time at other institutions shall be considered for adjunct positions only. Failure to disclose outside employment is grounds for disciplinary action, up to and including termination.

The faculty member requesting to engage in this type of activity during the regular workday must report plans to the Division Chair citing the nature and extent of the activity, along with an estimate of the amount of time involved. If outside employment is approved but nevertheless interferes with the faculty member's duties to the College, the VPAA may require the faculty member's resignation from such outside employment. Failure to comply with the VPAA's directives may result in disciplinary action, up to and including termination.

2.9 Faculty Reports and Evaluations

Every faculty member must maintain a teaching portfolio that contains evidence in support of his/her performance. The following chapter details the specific guidelines for submitting teaching portfolios.

In addition to the teaching portfolio, the following three (3) reports are required of

all faculty:

1. Faculty Activity Form: In order for the Office for Academic Affairs to locate faculty, an activity form listing class schedules, office hours, field experience, and advisee loads is to be completed by September 15th of the fall term and January 15th of the spring term, or under another schedule published by the Vice President for Academic Affairs, and filed in the Division and Academic Affairs Offices;
2. Faculty Planning Form: A planning form, detailing the faculty member's plans for development in scholarship, teaching, advising, professional growth, and College and community service for the academic year must be completed on or before September 30th, or under another schedule published by the Vice President for Academic Affairs. The Faculty Planning Form must be approved by the Department and Division Chairs and filed with the Division and Academic Affairs Offices. Further, the form shall be used by the Division Chair for evaluative purposes;
3. Faculty Self-Evaluation: On or before April 30th or under another schedule published by the Vice President for Academic Affairs, every faculty member will submit to the Department Chairperson a yearly report summarizing professional accomplishments for the year. These achievements should be related directly to the criteria established for promotion and tenure.

A faculty member's yearly report should be consistent with plans and objectives for a particular academic year. These goals must have been established in conjunction with and approved by the Division Chair the previous fall. Division Chairs will meet with faculty to discuss the progress that faculty are making toward projected goals. Conferences of this type are an integral part of the process to determine retention, promotion, and salary increments. The Division Chair will integrate the plans of individual faculty into the plans for the division and will use the faculty annual reports to assess the division's achievement.

CHAPTER THREE: FACULTY EVALUATION SYSTEM

3.1 Criteria for Evaluation

Faculty evaluation is an ongoing process conducted throughout all academic divisions of the College and grounded in the institution's vision and mission. The purpose of faculty evaluation is to improve instruction, as well as to provide information which can be used in making personnel decisions affecting re-appointment, promotion, and tenure. Faculty Evaluation (a) is based upon established criteria; (b) is multifaceted and includes information from several resource areas; (c) identifies strengths and encourages the faculty member to build upon these; and (d) identifies challenges and provides assistance for remediation.

Every faculty member must maintain a teaching portfolio that contains evidence in support of his/her performance in five categories (*please see Department/Division for specific guidelines for your discipline*):

1. Effective Teaching and Advisement;
2. Research, Grant Writing, or Professional Productions;
3. Service to the College and Community;
4. Professional Development;
5. Additional Achievements.

Effective Teaching and Advisement. Evidentiary documents for this section will include:

1. Copies of student, peer, and chairperson evaluations;
2. Copies of syllabi, handouts, exams, and other supplementary materials used in each course taught;
3. Copies of letters citing recognition of teaching excellence.

Other supplementary materials should indicate integration of writing, critical thinking, and technology within each course.

Research, Grant Writing, or Professional Productions. Evidentiary documents for research and grant writing will include, but are not limited to, conference programs and agendas, copies of peer-reviewed publications, copies of publications in review, manuscripts, and copies of grant proposals submitted and/or funded. Faculty are encouraged to present one paper or publish one review every year or publish a book chapter or an article in a refereed journal or submit one grant proposal to a funding agency every two years. Art exhibits, concert recitals and other creative activities will be considered the equivalent of published papers.

Service to the College and the Community. Evidentiary documents attesting to service to the College may include, but are not limited to, agendas and/or minutes of meetings, letters of appointment to committees or campus organizations, and programs

indicating involvement and leadership in a campus activity. Faculty are expected to show a measure of involvement in service to the College. Evidentiary documents attesting service to the community may include, but are not limited to, letters of appointment/membership/election to local, regional or national organizations, programs of events, and other documents denoting participation in campus programs which have community impact. Faculty are expected to show a measure of involvement in service to community outreach activities consistent with their academic disciplines.

Professional Development. Evidentiary documents for professional development will include records of participation in on- and off- campus faculty development activities. Faculty are expected to have participated in at least one faculty development activity every year.

Additional Achievements. The final section of the portfolio may contain material which documents other relevant activities such as notices of local, regional, or national recognition, consulting, editorial appointments, and so on.

3.2 Documenting Faculty Achievement through Portfolios

Each faculty member will create and maintain a portfolio which will include, but not be limited to, evidence indicators for each of five categories cited above. The introductory section of the portfolio may be a narrative summary of a faculty member's achievements for a particular year and may also include explanations or citations for special achievements. Portfolios in progress will be submitted to the faculty member's division chair as a part of the evaluation process and in final form as support for any application for promotion and/or tenure. Portfolios shall be placed in the Documents Room.

3.3 Components of Faculty Evaluation

Administrative Evaluation. Department Chairpersons, Division Chairpersons, and the Vice President for Academic Affairs will provide official feedback on faculty under their jurisdiction. Supervisors will use the information provided in the faculty portfolios, along with information from other sources, including student, peer, and administrative evaluations, and make appropriate recommendations. The individual being evaluated has the right to respond to the entire evaluation or any part of it.

Student Evaluation of Instruction. Student evaluations of faculty will occur generally during the second half of each semester during the week designated on the College calendar; all faculty are required to take part in the evaluation process. Additional evaluations may be conducted at the request of the individual faculty, the Department Chairperson, the Division Chairperson, or the Vice President for Academic Affairs. The Office of Assessment administers student evaluations of instruction. Specific details about evaluation procedures are disseminated to faculty each evaluation period and are available in the Office of Assessment.

Peer Evaluation. Peer evaluation of faculty will be conducted once each

academic year through class visits. Details about the procedure are available in the Office of Assessment. This evaluation is a component of the overall evaluation process, and results of the process will be shared with the appropriate individuals.

The Evaluation, Promotion, and Tenure Committee. The Evaluation, Promotion, and Tenure Committee receives and evaluates each promotion and/or tenure application, including portfolios. The Committee makes an independent written evaluation of each candidate for promotion and/or tenure to the Vice President of Academic Affairs, Faculty Senate, the President of the College, and the Board of Trustees.

3.4 Faculty Evaluations of Administrators

Faculty evaluation of Department Chairpersons and Division Chairpersons will be conducted each year in the spring, or under another schedule published by the Vice President for Academic Affairs, as a part of the overall evaluation process.

3.5 Promotion

Promotion from one rank to another does not automatically follow as the required years of faculty experience are reached. Promotions recognize academic preparation, teaching experience, and endeavors in scholarly research and/or artistic production. The personal growth of individual instructors and their total contribution to the College are also considered. To be considered for promotion and/or tenure, a faculty member must show substantial evidence of teaching effectiveness. The Vice President for Academic Affairs will create a timeline for promotion and tenure each year, but typically, eligible faculty may apply to be considered for advancement early in the spring semester of each academic year. Application materials are to be submitted by September 15 for review, or as otherwise specified in the Vice President for Academic Affairs's published timeline. Faculty seeking promotion will obtain the approved application materials from the Office for Academic Affairs. It is the faculty member's responsibility to follow deadlines, follow-up with Division and Department Chairs, and to otherwise seek appropriate support for any promotion application. Faculty must resubmit an updated promotion application with the most recent information and supporting documentation required in each section.

3.6 Eligibility for Promotion

The qualifications for appointment and advancement to one of the four academic ranks—Instructor, Assistant Professor, Associate Professor, or Professor—are as follows:

1. Minimum Time in Rank:
 - a. Candidates for promotion to the rank of Assistant Professor must have held the rank of Instructor at the College for at least two (2) years and have three (3) years of teaching experience;
 - b. Candidates for promotion to the rank of Associate Professor must have held the rank of Assistant Professor at Philander Smith College for at least four (4) years;

- c. Candidates for promotion to the rank of Professor must have held the rank of Associate Professor at Philander Smith College for at least five (5) years;
- d. Service time will not include, unless otherwise approved by the President of the College in writing, time spent on sabbatical, leave of absence, or assignment to administrative duties while holding teaching rank.

2. Satisfactory evaluation in four categories:

- a. Teaching;
- b. Scholarship, research, or professional production;
- c. Service to the College; and
- d. Service to the community.

3. Portfolios:

A faculty member's teaching portfolio must be organized in the following categories in reverse chronology:

- a. Academic positions elsewhere and years in each;
- b. Ranks held at Philander Smith College and number of years in each (include the dates appointed to each rank);
- c. Degrees (identify institutions and dates received);
- d. Courses and/or studies beyond last degree (list the name and number of courses taken since receiving the last degree, the institution at which they were taken, the year the courses were taken, and the hours earned if credit was awarded);
- e. Instructional activities while at the College (list courses taught and year);
- f. Advising load for previous five-years when appropriate (list year and number of advisees);
- g. Peer-reviewed publications, papers presented, grant writing submissions and awards, and other scholarly works (include dates, names of journals, and professional organizations);
- h. Membership and participation in professional organizations for previous five years when appropriate (indicate offices held and dates);
- i. Committee service for previous five years when appropriate. Specify any office held and all appropriate dates (include Division and College committees);
- j. College service activities for previous five years when appropriate;
- k. Community services activities for which your professional preparation was essential (include dates, names of organizations, and places);
- l. Teaching methods; and

m. Other information (assessment, evaluation, and recommendation).

Completed applications and portfolios must be submitted to Division Chairs by September 15, or under another schedule published by the Vice President for Academic Affairs. Application materials outlining the criteria for promotion in rank are available in the Office of the Vice President for Academic Affairs. Each application shall include (i) a cover letter confirming the faculty member's desire to enter the promotion review process; (ii) a title page containing name, rank, and date of submission; (iii) a table of contents listing the entries as they appear in the document; (iv) current curriculum vita; and (v) an official promotion form duly filled in with appropriate attachments. Teaching portfolios shall cover the years spent in the present rank.

3.7 Promotion Process

During the process of evaluation, faculty must submit portfolios to the appropriate Department Chairs. Department Chairs submit their portfolios to the appropriate Division Chairs, and the Division Chairs will forward their portfolios to the Vice President for Academic Affairs. Performance in each area cited above will be noted as below expectations, as meeting expectations, or as exceeding expectations. The overall performance of the faculty will be rated similarly. The evaluation will conclude with specific recommendations as applicable on one or more of the following options: (1) Remain in present position; (2) Promote; (3) Grant tenure; (4) Place in Probation/Development Plan; and/or (5) Terminate contract.

These recommendations will then be forwarded to the Vice President for Academic Affairs for necessary action. The Vice President for Academic Affairs, however, may sua sponte institute any action contemplated in items (4) and (5) in the event that the Vice President for Academic Affairs determines such action to be in the College's best interest.

The Applicant: In every case, the procedure for tenure and promotion is initiated by the applicant. It is the responsibility of all full-time, tenure-track faculty to be aware of the College's policies and procedures and of their own status regarding tenure and promotion. The applicant is responsible for preparing the application and portfolio and ensuring that all relevant materials are included. The application should include documentation that the applicant has met all eligibility requirements for tenure and/or promotion. The applicant is responsible for submitting the tenure and/or promotion application to the appropriate Department Chairperson on or before the deadline established by the Vice President for Academic Affairs. Failure of a Faculty Senate officer or committee to act on a timely fashion shall be not be the responsibility of the College.

The Division Chairperson: The Division Chairperson, in turn, shall independently review the application and its supporting materials and make a written positive or negative recommendation on the applicant's submission to the Vice President for Academic Affairs and to the Evaluation, Promotion, and Tenure Committee. The College encourages Division Chairs to submit their positive recommendations on or before October 1, or under another schedule published by the Vice President for Academic Affairs. If an applicant receives a negative recommendation, the Division Chairperson should invite the applicant to meet and discuss his or her recommendation. At this point,

the applicant may withdraw the application. If the applicant chooses not to withdraw, his or her application will be forwarded to the Evaluation, Promotion, and Tenure Committee.

The Evaluation, Promotion, and Tenure Committee: The Evaluation, Promotion, and Tenure Committee receives each application, its supporting documents, and the recommendations of the Division Chairperson; evaluates each application and the Division Chair's recommendation; and makes an independent, written recommendation to the Vice President for Academic Affairs. Recognizing that applications and employment decisions may involve confidential personnel information, the Committee should take all precautions to maintain confidentiality in the process. Provided a quorum is present, the Committee gives each application a positive or negative recommendation. If no quorum is present, the Committee's actions are null and void, and the Vice President for Academic Affairs will evaluate the applicant's submission. In the event that a division does not have a tenured faculty member to serve on the Evaluation, Promotion, and Tenure Committee, a tenured surrogate from another division can be requested to serve as that division's representative on the committee. All positive recommendations of the duly constituted Committee should be forwarded to the Vice President for Academic Affairs on or before October 15, or under another schedule published by the Vice President for Academic Affairs. The Committee should meet with any applicant who receives a negative recommendation and give the applicant an opportunity to withdraw from the promotion process. If he or she chooses to proceed, his/her entire record must be forwarded to the Vice President for Academic Affairs. Any and all actions by the Faculty Senate must be in accordance with the College's firm and resolute commitment to the principles of equal employment opportunity set forth in this Handbook.

Vice President of Academic Affairs: The Committee and/or the applicant, as the case may be, must submit the final promotion application to the Vice President for Academic Affairs on or before October 15, or under another schedule published by the Vice President for Academic Affairs. After an independent review of each application, its supporting documents, and the recommendations referenced above, the Vice President for Academic Affairs determines which applicant(s) shall receive a positive or negative recommendation. The Vice President for Academic Affairs will notify each applicant who receives a negative recommendation as soon as practicable and will strive to provide such notification seasonably.

The President and the Board of Trustees: The President of the College shall receive the report and recommendation of the Vice President for Academic Affairs and, when applicable, the Faculty Grievance Committee no later than November 15, or under another schedule published by the Vice President for Academic Affairs. From those applicants, the President shall make the final decision as to which applicant should be recommended for promotion and/or tenure to the Board of Trustees for its consideration during the February meeting, or at another meeting reasonably determined by the College. The President shall inform the candidate of the decision in writing.

Appeals: If an applicant wishes to appeal a negative recommendation by the Vice

President for Academic Affairs, he/she may submit a written appeal to the Faculty Grievance Committee within five (5) days following the receipt of notice of a negative recommendation specifying the particular bases for the appeal. The written grievance must be specific as to the nature of the violation and cite any relevant policies or procedures that have been violated.

The purpose of the Faculty Grievance Committee is not to determine the merit of the candidate's qualifications for tenure or promotion, but to determine whether any of the bases for appeal, which are outlined below, is proven by a preponderance of the evidence. Under the process set forth below, the Faculty Grievance Committee should complete its deliberations and submit a recommendation to the Vice President for Academic Affairs and to the President of the College. Any meetings with the appellant must be scheduled at a time mutually convenient for the College administration, which has the right to send a designee. Any appeal that exceeds the scope of the Faculty Grievance Committee's limited review is null. To that end, the Faculty Grievance Committee may only accept an appeal if the applicant, with specificity, makes one of the following allegations:

- a. Unfair treatment in violation of the College's policies that pertains specifically to the application process and that was caused by the College's administration; or
- b. A negative recommendation was arbitrary and capricious, which means that the recommendation made erroneous findings that are directly contradicted by the application (e.g., if a negative recommendation was made due to an applicant's alleged failure to include a cover page, where the applicant did in fact submit a cover page that satisfies the requirements set forth herein, such action would be subject to review by the Faculty Grievance Committee).

Any allegations of discrimination or harassment are beyond the scope of the Faculty Senate's consideration and should be directed specifically to the Human Resources Director for consideration.

In the event of an appeal, the following process applies:

Step 1: Provided that a written appeal was submitted to the Chair of the Faculty Grievance Committee within five days from the occurrence of the event giving rise to the appeal, the aggrieved must set an appointment with the Chair of the Faculty Grievance Committee and with the Division Chair where the aggrieved will discuss his or her written allegations.

Step 2: The Chair will seek a remedy by meeting with all parties involved and serve as a mediator in an effort to achieve a resolution which meets the concern of the Aggrieved and the College.

Step 3: Should such informal efforts fail, the Aggrieved may request, in writing, a formal grievance hearing before the Faculty Grievance Committee.

Step 4: The Faculty Grievance Committee shall meet within ten days. Because this is an informal and collegial process, the aggrieved is not entitled to have a representative, legal or otherwise, at the proceeding. Likewise, any conflicts of interest that give rise to the appearance of impropriety must be disclosed to the Chair of the Committee and to the Vice President for Academic Affairs, and such members shall recuse themselves from the process. Following completion of the grievance hearing, a written response will be prepared and issued to all relevant parties indicating the findings and any recommendations of the Faculty Grievance Committee;

Step 5: If the aggrieved party is not satisfied with the findings of the Committee, then he or she may submit a request in writing for final review to the President of the College stating all specific procedures and actions which the Faculty Grievance Committee violated. Only the evidence and materials submitted to the Faculty Grievance Committee will be considered in the appeal. The decision rendered by the President will be final.

3.8 Tenure

Tenure is granted by the Board of Trustees upon the recommendation of the President of the College. No other person has the authority to make tenure recommendations to the Board of Trustees. In the event that tenure is awarded by the Board, the President of the College will furnish the faculty member with timely written confirmation of the award. Philander Smith College recognizes that tenure promotes favorable conditions for the exercise of academic freedom and the orderly development of the College as a community of teacher-scholars. In tenure reviews, decisions made by the College are of extreme importance in the institution's pursuit of academic excellence. Achievement of tenure should never be regarded as a routine or automatic award. Rather it must reflect and affirm professional competence and performance as measured against national standards at comparable institutions. Tenure expresses the College's continuing need for a faculty member's services and the sufficiency of the institution's financial resources to make a long-range commitment to that individual. Once tenure is granted, the faculty member is expected to maintain or improve his or her level of performance; and to continue complying with all other lawful rules and policies of the College.

Post-Tenure Review. After tenure is granted, faculty still are expected to meet all of the College's expectations of employment and will continue to undergo periodic evaluation. The purpose of the post-tenure review is to foster faculty development through the articulation of performance objectives and the use of constructive feedback. Faculty are also encouraged to request post-tenure review for the purposes of facilitating an exchange of knowledge among scholars. The VPAA will determine the schedule of any post-tenure reviews under this section.

Withdrawal of Tenure. In addition to those reasons set forth in any employment agreement, tenured faculty, tenure track faculty, and term faculty may be terminated for failing to meet the College's legitimate expectations of employment or for other business reasons, including but not limited to: (a) failure to meet scheduled classes; (b) failure to perform other professional duties that are essential to quality student service

and the continuation of the College; (c) financial exigency or strain, as solely determined by the College; (d) discontinuance of an academic program; (e) failure to set a good personal example on the campus and in the community in accordance with the College's ethical ideals and principles; and (f) failure to work together with the administration, faculty, staff, and student body to develop a sense of unity and clear purpose at the College.

Limited Appeal of Non-Reappointment. Tenured and tenure-track faculty may appeal a non-reappointment decision in writing to the Evaluation, Promotion, and Tenure Committee within thirty days of receipt of notice of non-renewal. A written notice must also be provided to the VPAA and President of the College. If dissatisfied with the findings of the Evaluation, Promotion, and Tenure Committee, the VPAA or the appealing faculty member may submit a final appeal to the Faculty Grievance Committee. Upon appeal of either party, the Faculty Grievance Committee shall make a recommendation to affirm or reverse the decision of the Evaluation, Promotion, and Tenure Committee and transmit same to the President for final consideration.

Disciplinary Action and Performance Improvement. The College may take disciplinary action against any faculty member for unsatisfactory performance. Such disciplinary action may take any form, such as a verbal warning, written warning, final written warning, performance improvement plan, demotion, suspension with or without pay, and/or termination, as the case may be and based on the severity of conduct, prior disciplinary history, student, peer, and supervisor evaluations, and length of service. In the event the College decides to place a faculty member on a performance improvement plan, the Vice President for Academic Affairs or his or her designee will identify for the faculty member (a) the specific time period given for improvement, (b) suggestions and recommendations for improving his or her performance, and (c) the consequences of the faculty member's failure to meet these expectations for improvement. The faculty member, in this process, is encouraged to provide his or her own thoughtful and introspective feedback as to how he or she may improve upon areas identified for improvement. During the improvement period, the faculty member shall submit written bi-weekly reports to the Department and Division Chairs outlining how he or she has improved his or her performance. During the performance improvement period, or at its conclusion, the Vice President for Academic Affairs in consultation with the Department/Division Chair will determine whether the faculty member has satisfied the requirements to return to good standing. If the Vice President for Academic Affairs determines that the faculty member failed to meet such requirements, he or she will provide a recommendation to the President for final consideration. Faculty may appeal through Faculty Grievance process. **Dismissal.** The President of the College has the power to immediately suspend or terminate any faculty member when he or she determines that such action is to (1) ensure the health, safety, and welfare of the students, faculty, administration, or other members of the College's community; (2) to uphold and protect the College's name and reputation; (3) for any reason constituting "cause" as described in this Handbook or any applicable employment agreement; (4) for program elimination or financial exigency; (5) upon the recommendation of a Division Chair or the Vice President for Academic Affairs; and/or (6) with respect to suspensions, to conduct an investigation with respect to any of the foregoing actions. Faculty members have a duty

to cooperate in all investigations under this section. Since it is the policy of the Board of Trustees that all administrative decisions be the responsibility of the President, the decision of the President with respect to any personnel action, including termination, shall be final

CHAPTER FOUR: FACULTY PERSONNEL POLICIES AND PROCEDURES

4.1 Types of Academic Appointment

Academic appointments cover full-time and part-time teaching faculty and those administrators directly engaged in the administration of academic programs. The College provides for three types of academic appointments: (a) term; (b) tenure-track; and (c) tenured. Academic appointments will be for 9 or 12 months depending on the type of appointment and/or the assigned responsibilities. All Division Chairpersons and non-instructional administrative academic personnel assigned faculty status will be employed under 12-month contracts. Faculty members are typically subject to one-year employment agreements. No faculty member, however, shall have the right to refuse to perform according to the tenor and terms of his/her contract and cannot acquire such right by giving notice to the College of the intent not to perform. The College reserves the right to all legal and equitable remedies usually available to parties injured by breach of contract.

Term Appointments. A *term appointment* is a position that is filled for a specified amount of time, such as one semester or an academic year. Faculty personnel selected to serve in specified term appointments may be appointed for either a semester or academic year. Full-time term appointments may carry the rank of Instructor, Visiting Assistant Professor, Visiting Associate Professor, or Visiting Professor. Part-time appointments will be considered Adjunct. Part-time (adjunct) faculty at the College are those faculty who are employed to teach less than a full load by divisions and/or departments to cover overloads and/or to meet content needs. Full-time term faculty personnel are those who are employed to teach a full load in a department or division, but who are neither tenure-track nor tenured. For benefits information, full-time term faculty should consult with the Personnel Office. They are also eligible for participation in the affairs of the College and its activities in accordance with College policy.

While term faculty personnel may have their contracts renewed, they are neither entitled to renewal of their appointment nor to further assignments following expiration of their current contracts. Stated differently, there is neither an expectation nor a guarantee of reappointment beyond the terms of their contract. Accordingly, term faculty members should have no expectation of continued employment for any duration, and their employment is governed by the employment-at-will policies set forth in this Handbook. Unless otherwise stated in a written employment agreement between the President of the College and the employee, all employment with the College is at will. Nevertheless, the College will strive to provide notice to the term faculty member in the event that his or her term appointment will not be renewed. In this respect, and while understanding that operational realities may require flexibility, the College strives to provide such notice of non-renewal as early as possible based on operational needs and realities. Indeed, because term faculty personnel are employed on an at-will basis, their employment may be terminated by the College prior to the expiration of the then-current contract term under the provisions of the employment-at-will policy.

Likewise, term faculty personnel may subsequently be appointed to tenure-track positions, in accordance with the needs of the College and in conformity with divisional and College policies, including search and selection procedures. At the discretion of the appropriate administrator, full-time-term appointments may be considered as part of the probationary period for those who are subsequently placed in tenure-track faculty appointments. The College recognizes that continuous employment of full-time faculty who are neither tenure-track nor tenured is inappropriate, except under unusual conditions. The continuance of a faculty member on such a basis must be recommended by the President of the College and approved by the Board of Trustees for any year of employment beyond the sixth year.

Tenure-Track Appointments. *A tenure-track appointment* is a position that is probationary in nature. In such cases, the College expects the faculty member to satisfy the requirements for renewal each year until the faculty member applies for tenure. There is no guarantee of renewal, however, and decisions on tenure are to be made during the sixth year of a tenure-track appointment following the procedure described elsewhere in this Handbook.

Tenure-track faculty hold (i) full-time positions and (ii) appointment to a tenure-track position in an academic division. Tenure-track faculty are subject to all general requirements as stated in approved divisional and College policies, and all specific requirements as stated in letters of appointment and contracts (including all requisite promotion and tenure criteria) and all other directives or requirements set forth by the College's administration. In the event a faculty member is hired under a special contract, that contract supersedes the general provisions of this Handbook.

The only academic ranks that can be tenure-track are those of Assistant Professor, Associate Professor, and Professor. All persons on tenure-track appointments will be notified of their rank in their initial contract and succeeding contracts during the six years of probationary appointments. When the College appoints a faculty member to a tenure-track position, the College expects the faculty member to continue working towards tenure status, and thus, hopes to renew such yearly probationary appointments until the faculty member applies for tenure. If a tenure-track appointment is terminated at any time during his or her employment with the College, the College strives to provide notice of non-renewal in a timely fashion, explaining the reasons for such action. Depending on the employee's length of employment, the College will provide notice of non-renewal around March 15 (for faculty members with two or less years of employment with the College), and around December 15 (for faculty members with three or more years of employment with the College). The College will strive to meet these time periods while also maintaining appropriate flexibility to meet its operational needs.

A tenure-track faculty member may not serve for more than seven years without tenure. If a faculty member has received initial appointment at the rank of instructor or assistant professor and served for six years in the position, he or she must apply for tenure. If the faculty fails to apply for and be awarded tenure, his or her employment will terminate at the conclusion of the then-current academic year.

Tenured Appointment. A *tenured appointment* implies a commitment by the College to continuing annual appointments, and generally, the College will only terminate a member of the faculty who has achieved the rank of tenure in the event of financial exigency or related business reasons, for violations of this Handbook or other policies and expectations of the faculty member's employment, or in other special circumstances deemed necessary and prudent by the College. All persons aspiring to tenured appointments are expected to seek tenure through the policies and procedures prescribed in this Handbook.

Tenured faculty (i) hold full-time positions and (ii) hold a tenured position in an academic division. Tenured faculty are subject to all general requirements as stated in approved divisional and College policies and all specific requirements as stated in letters of appointment and contracts (including all requisite promotion criteria). In the event a faculty member is hired under a special contract, that contract supersedes the general provisions of this Handbook. The only academic ranks that can be tenured are those of Assistant Professor, Associate Professor, and Professor. Tenured appointments imply a commitment by the College to continuing annual appointments except under conditions of financial exigency or similar business-related issues, termination for cause, or related circumstances creating special conditions that justify non-reappointment. As used here, the term "cause" includes, but is not limited to, an act or failure to act by a faculty member that involves neglect of duty, gross insubordination, violation of College policy, dishonesty, inefficiency in the performance of duty, violation of any applicable law, physical or mental incapacity (e.g., cannot satisfy the minimum requirements of the position), moral turpitude, or other factors determined to constitute "cause" under Arkansas law.

Nothing contained in this Section may be construed to prevent the College and/or the Board of Trustees from terminating the employment of a tenured faculty member for any lawful reason, including financial exigency or similar business issues, program elimination or realignment, changes in the educational aims of the College, or other related criteria deemed important to advance the interests of the College. In the event of staff reduction necessitated by these circumstances, termination or release shall proceed, insofar as reasonably consistent with educational purposes, in the order of those who are term, to those who are tenure-track, to those who have tenure, on a department-by-department basis with the focus placed on which action would be least disruptive to current enrolled students. At each level, preference for being retained will be given to those who have served the greatest length of time, provided that, in the opinion of the Board of Trustees and the President, merit and competency are equal.

Summer Appointment. The offer of a regular term, tenure-track, or tenured appointment does not entail a commitment on the part of the College to offer a summer appointment to a faculty member. Among the criteria used in the selection of summer faculty are qualifications to teach scheduled offerings, previous evaluation of the faculty member, possession of the terminal degree, seniority in the department, and other factors that the College deems relevant. The College reserves the right to limit loads and to determine class size and meeting times.

4.2 Faculty Ranks and Qualifications for Appointment to Rank

Philander Smith College recognizes five full time faculty ranks: (a) Instructor; (b) Assistant Professor (or Visiting Assistant); (c) Associate Professor (or Visiting Associate); (d) Professor (or Visiting Professor); and (e) Faculty Emeritus. The minimum requirements for these ranks are listed below. Ranked academic faculty will be employed only on term, tenure-track, or tenured contracts. Ranked faculty must be employed by the College on a full-time basis. At the time of initial appointment, the President will approve academic rank for academic and administrative faculty based upon recommendations of the Vice President for Academic Affairs and the College's operational needs. Satisfaction of degree/experiential requirements will be determined by the Vice President for Academic Affairs. Degrees and teaching experience must be from regionally accredited post-secondary institutions unless otherwise determined by the Vice President for Academic Affairs. "Years," with respect to teaching experience, means the number of years spent in full-time teaching. A maximum of three years of appropriate full-time teaching or other professional experience may be substituted for full-time ranked teaching experience in determining rank qualifications. Equivalencies or exceptions to any qualifications will be determined by the Vice President for Academic Affairs, in consultation with the Chair of the Evaluation, Promotion, and Tenure Committee. Teaching faculty appointed to the ranks of Instructor, Assistant Professor, and Associate Professor must display evidence of potential for promotion. Earned degrees of appointees must be in the discipline or field of primary contract responsibility or in one of the appropriate cognate areas for interdisciplinary studies. The Vice President for Academic Affairs will have the responsibility for determining appropriateness of degree field to program area assignment.

Instructor. The minimum qualifications for appointment of a faculty member to the rank of instructor are:

1. **Effective Teaching Ability:** Candidates must have at least one year's teaching experience;
2. **Effective Advisement Ability:** Candidates must demonstrate willingness and availability to advise students beyond matters of registration and scheduling;
3. **Service to the College:** Candidates must demonstrate potential for meaningful service to the College in areas of faculty responsibility;
4. **Service to the Community (local, state, national, or international):** Candidates must demonstrate potential for meaningful service to the broader community beyond the College;
5. **Academic Achievement:** Candidates must hold the degree required per the job posting, as determined by the College;
6. **Professional Growth:** Candidates must present definite plans for continued professional study and for involvement in professional activities; and

7. Support for the College's Educational Philosophy and Mission: Candidates must demonstrate support for and commitment to the College's educational philosophy and mission.

Assistant Professor. The minimum qualifications for appointment of a faculty member to the rank of Assistant Professor or promotion to the rank of Assistant Professor are:

1. Effective Teaching Ability: Candidates must have three years of full-time teaching experience with positive written evaluations and other metrics deemed relevant by the College;
2. Effective Academic Advisement Ability: Candidates must show willingness and availability to advise students beyond matters of registration and scheduling, with positive written evaluations and other metrics deemed relevant by the College;
3. Service to the College: Candidates must demonstrate involvement in College activities (either at Philander Smith College, or their previous institution), attendance at College events, contributions to committees, and involvement with and/or advisement of student organizations;
4. Service to the Community (local, state, national, or international): Candidates must demonstrate involvement in the broader community beyond the College (either Philander Smith College or the community beyond their previous institution);
5. Academic Achievement: Candidates *for hire* must hold an earned doctorate degree in areas where this degree is appropriate and, in other areas, should hold the appropriate terminal degree as determined by the Vice President for Academic Affairs. Candidates *for promotion* must have at least a minimum of 30 semester hours of graduate work in their teaching discipline and have three years of full-time teaching experience at the College level, two of which have been at the College;
6. Professional Growth: Candidates must hold membership in regional and/or national professional organizations as appropriate and demonstrate scholarly activity or creative work; and
7. Support for College's Educational Philosophy and Mission: Candidates must demonstrate support for and commitment to the College's educational philosophy and mission.

Associate Professor. The minimum qualifications for appointment of a faculty member to the rank of Associate Professor or promotion to the rank of Associate Professor are:

1. Effective Teaching Ability: Candidates must demonstrate superior teaching

through recommendations from previous supervisors and by means of a campus presentation with positive formal written evaluations and other metrics deemed relevant by the College;

2. **Effective Advisement Ability:** Candidates must demonstrate measurable success as student advisors through positive formal written evaluations and other metrics deemed relevant by the College;
3. **Service to the College:** Candidates must demonstrate significant involvement in College activities, attend College events, and advise student organizations. Commitment to committee work must also be demonstrated by regular participation and contributions. Such service may be to Philander Smith College or to the candidate's previous institution;
4. **Service to the Community (local, state, national, or international):** Candidates must demonstrate significant involvement in the broader community beyond the College (either Philander Smith College or the community beyond their previous institution);
5. **Academic Achievement:** Candidates must hold an earned doctorate from a regionally and/or nationally accredited university, except in instances of extraordinary recognition and/or achievement in an area of specialization. Recognition of an appropriate terminal degree in place of the doctorate is determined by the Vice President for Academic Affairs. Candidates must also have a minimum of four years of full-time teaching experience as an Assistant Professor;
6. **Professional growth:** Candidates must engage in continuous formal or informal study, participate in professional organizations, and demonstrate involvement in research or creative work and professional involvement in their area of competence; and
7. **Support for College's Educational Philosophy and Mission:** Candidates must demonstrate support for and commitment to the College's educational philosophy and mission.

Professor. The minimum qualifications for appointment of a faculty member to the rank of Professor or promotion to the rank of Professor are:

1. **Effective Teaching Ability:** Candidates must produce a documented record of exemplary teaching skills through recommendations from previous supervisors and by means of a campus presentation, with positive written evaluations and other metrics deemed relevant by the College;
2. **Effective Academic Advisement Ability:** Candidates must demonstrate measurable success as a student advisor through formal written evaluations and other metrics deemed relevant by the College;

3. **Service to the College:** Candidates must demonstrate significant involvement in College activities, attend College events, and advise student organizations. Commitment to committee work must also be demonstrated by regular participation and contributions. Such service may be to Philander Smith College or to the candidate's previous institution;
4. **Service to the Community (local, state, national, or international):** Candidates must demonstrate a continuous record of service to the broader community beyond the College (either Philander Smith College or the community beyond their previous institution);
5. **Academic Achievement:** Candidates must hold an earned doctorate, except in instances of extraordinary national recognition and/or achievement in an area of specialization, as determined by the Vice President for Academic Affairs. Candidates must also have a minimum of five years of full-time teaching experience as an Associate Professor;
6. **Professional Growth:** Candidates must continually pursue formal study, participate in professional organizations, be involved in research or creative work, and be nationally recognized in their area of competence; and
7. **Support for College's Educational Philosophy and Mission:** Candidates must support and be committed to the College's educational philosophy and mission.

Faculty Emeritus. In the first year after retirement from active service with the College, tenured instructional personnel holding the rank of Assistant, Associate or Full Professor, Department Chair, Division Chair, Dean, Vice President, or President who have served the College full time for ten or more years may be recommended to the Board of Trustees as "Emeritus." Although the immediate administrative supervisor (e.g., department chair) may be the one who most frequently requests that the College consider this honor for a retiree, any College employee may make such a recommendation. Nominations for faculty emeritus should be forwarded to the Evaluation, Promotion, and Tenure Committee. Thereafter, the nominations will follow the same route as promotion and tenure applications.

4.3 Faculty Search

Recruiting is a College-wide function that is conducted continually for the purpose of maintaining a diverse and highly qualified faculty. Therefore, recruiting for faculty positions is conducted by Department Chairpersons, Division Chairpersons, and the Faculty Senate.

The Human Resources Department coordinates the filling of all available academic positions. Such positions are advertised on campus and in local, state, and national publications as needed. Applicant folders are compiled and maintained in the Personnel Office with copies forwarded to the Academic Affairs Office. Divisions and/or programs with openings shall organize search committees to review and evaluate the applications

and all supporting documents which must include a minimum of: (1) a letter of application; (2) official transcripts from all appropriate institutions; (3) current curriculum vita; and (4) three current letters of reference. Every effort should be made to review a sufficient number of prospects in order to identify highly qualified candidates.

Departmental search committees forward their recommendations for hire, including a minimum of three applications, to the Vice President for Academic Affairs, via the Division Chairperson. Applications should be prioritized in order of the committee's preference. After appropriate action, salary determination by the President, and approval by the Vice President of Academic Affairs, the appropriate Division Chairperson, Program Director, and/or College administrator makes an offer of employment.

The College will not discriminate in the employment of faculty on the basis of gender, race, religion, national origin, disability, or as otherwise prohibited by federal or state law, in compliance with equal opportunity principles. The College shall consider candidate's academic and scholarly record, teaching skills, experience, and the compatibility of his/her philosophy with the central mission, goals, and objectives of the College.

CHAPTER FIVE: ACADEMIC RIGHTS, POLICIES AND PROCEDURES

5.1 Statement on Academic Freedom

Philander Smith College supports the spirit of the following 1940 statement on academic freedom of the American Association of University Professors (AAUP):

"Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends: specifically (i) freedom of teaching and research and of extramural activities, and (ii) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for 'the institution.'"

5.2 Academic Program Reviews

In collaboration with the Vice President of Academic Affairs, the Associate Vice President of Institutional Effectiveness is responsible for scheduling and coordinating Academic Program Reviews (APR) with Division Chairs and Academic Program

Coordinators. Each APR assesses the productivity, competitiveness, quality and role each Academic Program in support of the Colleges mission, vision, and strategic academic initiatives. APRs require a self-study guided by the Academic Standards in the Academic Program Review Guidelines and Procedure manual. Additionally, APR require both internal and external reviewers to ensure validity and reliability to inform the enhancement or improvement plans of the APR. Academic Program Review form a basis for informed budgetary decisions at every level of administration.

The APR is normally schedule in five-year cycles. However, in rare cases, the Vice President of Academic Affairs may accelerate Academic Program Review schedules. In most cases the Vice President of Academic Affairs will schedule Academic Program Reviews in conjunction with accreditation or other mandated reviews. The Vice President of Academic Affairs may request recommendation from Division Chairs regarding Academic Programs for review. The Associate Vice President of Institutional Effectiveness coordinate all Academic Program Reviews with Division Chairs scheduled for review and with the Internal Review Committee to ensure that the process is unbiased, effective, and efficient.

In collaboration with Division Chairs, Program Coordinators and faculty of the academic department under review, the Vice President for Academic Affairs appoints three to five faculty to each Internal Review Committee (IRC). One or two members appointed to each IRC will be from the Academic Program under review. The remaining IRC members must be from outside the Academic Program and Division under review. The Vice President of Academic Affairs appoints the Chairpersons of the Internal Review Committee, who must not be members of the Division or Academic Program under review. Faculty members in the Academic Program under review will select the external evaluator with approval of the Associate Vice President of Institutional Effectiveness who will serve as mediator for the external review.

5.3 Faculty Grievance Procedure

Philander Smith College acknowledges that it is desirable to satisfactorily resolve, internally, all issues involving faculty and the institution through informal means. The following process is to be followed in cases of grievances submitted to the Faculty Grievance Committee:

1. The Aggrieved must set an appointment with the Chair of the Faculty Grievance Committee where he or she will be given an opportunity to express allegations of violations of College policy within the scope of the Committee's charter;
2. If the grievance is within the scope of the Committee's charter, the Chair will seek a remedy by meeting with all parties involved and serve as a mediator in an effort to achieve a resolution which meets the concern of the Aggrieved;
3. Should such informal efforts fail, the aggrieved party may request, in writing, a formal grievance hearing before the Faculty Grievance Committee;

4. The written grievance must be specific as to the nature of the violation and cite any relevant policies or procedures, which have been violated. The grievance must be submitted to the Chair of the Faculty Grievance Committee no later than 30 days from the date of the last alleged infraction;
5. The Aggrieved party shall receive from the Chair of the Faculty Grievance Committee written acknowledgement of the receipt of the grievance within one week. The Faculty Grievance Committee shall meet within ten days;
6. There will be no legal representation allowed at any of the grievance meetings;
7. Following completion of the grievance hearing, a written response will be prepared and issued to all relevant parties indicating the findings and any recommendations of the Faculty Grievance Committee;
8. If the Aggrieved party is not satisfied with the findings of the committee, the aggrieved may appeal in writing to the President of the College stating all specific procedures and actions which the Faculty Grievance Committee violated. Only the evidence and materials submitted to the Faculty Grievance Committee will be considered in the appeal. The decision rendered by the President will be final.

5.4 Faculty-Staff Grievance Procedure

In cases in which a staff member shall file a complaint against a faculty member, or a faculty member against a staff member, the following process is to be followed:

1. The Aggrieved must set an appointment with Personnel Director where the Aggrieved will be given an opportunity to express the complaint;
2. The Personnel Director shall attempt to resolve the dispute by mutual agreement with all parties involved using conflict resolution techniques;
3. Should such informal efforts fail, the aggrieved party may request, in writing, a formal grievance hearing before the Faculty-Staff Grievance Committee;
4. The written grievance, of not more than five pages, must be specific as to the nature of the violation and cite any relevant policies or procedures that have been violated. The grievance must be submitted to the Personnel Director no later than 30 days from the date of the last alleged infraction.
5. Upon receipt of the grievance, the Personnel Director will notify the Faculty-Staff Grievance Committee members of the need to convene a grievance hearing;
6. Within ten days after such notice, the Committee members will convene and elect a chair;
7. Within thirty days after receiving the written complaint, the Committee will

convene to consider the grievance;

8. Within fourteen days after its meeting to consider the grievance, the Committee will render a decision, which shall be conveyed in writing to the President;
9. A final decision and adjudication of the dispute will be made by the President upon receipt of the written decision of the Faculty-Staff Grievance Committee.

5.5 Students with Disabilities

In compliance with section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act of 1990 (ADA), as amended, Philander Smith College recognizes that qualified students who have diagnosed or identified learning, physical, or emotional disabilities are entitled to the same benefits from the educational programs of the College. Philander Smith College is committed to providing access to the full range of educational programs and activities. Eligibility for these services is determined individually based on documentation of need. Disability services at Philander Smith College are focused on facilitating opportunities to stimulate and create a barrier-free environment, eliminating academic, social, and physical obstacles that impede students' access to higher education.

To receive disability related accommodations and services, students must first register with the Integrated Campus Center Disabilities Services (ICCDs) Office and provide current and appropriate medical and/or psycho-educational documentation which identifies the specific nature and extent of a qualifying disability, including the functional limitations currently imposed by the disability. For syllabus and related guidance, see Section 2.4 of this Handbook.

Hours of operation for disability services through ICCDS are Monday through Friday, 8:30 am until 5:00 pm. Assistance and accommodations will be provided on an individual basis and will be determined by the student's disability documentation. Appropriate accommodations should be requested by the student once verification of his/her disability is received. Students with disabilities should contact: Integrated Campus Center Disabilities Services (ICCDs) Philander Smith College, 501-370-5356.

CHAPTER SIX: FACULTY BENEFITS

Besides seeking to provide faculty every assistance and encouragement in executing their professional responsibilities, the College provides its faculty the following personal benefits and privileges.

Eligible faculty at Philander Smith are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all faculty in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including faculty classification. The Human Resources Department can identify the programs for which you are eligible.

The following benefit programs are available to eligible employees:

- Credit Union Participation
- Educational Assistance
- Family and Medical Leave Act
- Faculty Research and Publication Leave
- Holidays and Breaks
- Jury Duty Leave
- Life Insurance
- Long-term Disability
- Medical, Dental, and Vision Insurance
- Military Leave
- Organ Donor and Bone Marrow Donor Leave
- Paid Time Off
- Professional Development
- Sabbatical Leave
- Study and Research Leave
- Retirement Annuities
- Travel
- Tuition and Fees Waiver for Faculty and Families
- Workers' Compensation Insurance
- Voting Leave

6.1 Group Medical, Dental, and Vision Insurance

The College provides eligible employees with the opportunity to enroll in medical, dental, and vision coverage through the Board of Higher Education and Ministry (BHEM) Affiliated Institutions Employees' Medical Plan Trust ("Trust") following the successful completion of the introductory period.

The benefits provided by the Plan are limited to those that are provided through the Trust. Only the Trust has the discretion to construe or interpret the provision of the Plan, and to determine eligibility for the Plan. Through the Trust, claims administration and certain other duties have been delegated to the Principal Life Insurance Company. Any full-time employee wishing to participate in the Plan must request in writing to the

Human Resources Department his or her desire for coverage within thirty-one (31) days of full-time employment at the College. If an employee DOES NOT request coverage initially, he/she MAY NOT be eligible to enroll in this Plan at a later date unless certain qualifying conditions have been met. Insurance premiums for participating employees are paid fully by the College and premiums for employee dependents are the sole responsibility of the employee via payroll deduction. Please contact the Human Resources Department for more detailed information about the Medical/Dental/Vision Trust Plan. Plan documents control to the extent that they differ from this Handbook. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis.

Insurance and other benefits are subject to change, are not guaranteed, and may be cancelled, modified, and amended by the College President in his or her discretion from time to time. In some cases, contributions to benefit plans are not included in the employee's gross wages for income tax purposes. Employees, spouses, and dependents covered by the College's health benefit plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Consult with the Human Resources Department for more information. Under certain situations, employees may be able to continue their group insurance coverage through the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). In short, COBRA provides for continuation of coverage for employees and their dependents if certain qualifying events occur which would otherwise cause the employee or their dependents to lose coverage.

Note: If the employee's introductory period ends within 10 days of the beginning of a month, and if the College determines to continue employing the employee, the College may approve insurance benefits to begin in that specific month if prior notification and registration was made.

6.2 Long Term Disability Insurance

The College provides a long-term disability income plan for faculty at Philander Smith College. Please contact the Human Resources Department for detailed information about the benefit.

6.3 Life Insurance

The College provides life insurance coverage eligibility for faculty at Philander Smith College. Please contact the Human Resources Department for detailed information about this benefit.

6.4 Retirement Annuities Plan

The College's retirement plan is a defined contribution ("money purchase") plan established by the Board of Trustees and effective as of January 1, 1971. Benefits are provided by fixed-dollar annuities issued by the Teachers Insurance and Annuity Association (TIAA) and by variable annuities offered by its companion organization, the

College Retirement Equities Fund (CREF). TIAA is an insurance company founded in 1918 and incorporated under the New York State Law. CREF is an open-end diversified investment company. A CREF prospectus, which contains more complete information regarding CREF certificates, can be obtained by writing to TIAA/CREF, 730 Third Avenue, New York, NY 10017-3206 or by calling their Telephone Counseling Center at 1-800- 842-2888. Their Internet web site address is *www.tiaa-cref.org*.

The Plan operates under Section 403(b) of the Internal Revenue Code and is strictly voluntary. To be an eligible employee, one must be employed by the College on a full-time permanent basis for at least 12 months. For those full-time employees with an existing TIAA/CREF retirement account from another institution, the 12-month wait is waived. Participation in the Plan starts on the first (1st) of the month following open enrollment and after all appropriate enrollment forms have been completed and turned in to the Human Resources Department. The minimum contribution to the Plan by a participating faculty member is three percent (3%) of their regular pay each pay period. The College will contribute on their behalf seven percent (7%) of their regular pay each pay period. All contributions are tax deferred, and a participant is fully vested (i.e. has 100% ownership) in the benefits arising from all contributions made to their TIAA/CREF retirement annuities under this Plan.

Further information and enrollment application kits may be obtained from the Human Resources Department.

6.5 Tuition and Fees Waiver for Faculty/Families

Faculty may enroll in scheduled classes for credit or for audit with payment of tuition and fees waived if classes do not conflict with their duties and responsibilities as members of the faculty. The VPAA and Director of Human Resources shall receive and decide all requests for waivers under this Section. Up to six semester hours may be taken during a semester with fees and tuition waived. This benefit does not apply for summer terms. Faculty, their spouses, and children, as reflected on the faculty member's W-4 form or for whom the faculty member pays child support, shall receive a 50% discount on tuition and fees when they enroll in the College during the regular fall and spring term, but not during the summer terms.

6.6 Faculty Research and Publications

Faculty doing approved research which may require a semester or more may have their instructional loads reduced to not less than six (6) semester hours per semester without a reduction in salary upon the recommendation of their department or division chairpersons and the Vice President for Academic Affairs and the approval of the President.

6.7 Faculty Professional Development

Faculty are encouraged to attend professional meetings and participate in professional development opportunities, especially related to their fields. Funds, if

available, shall be provided in accordance with the College's travel policy. Requests to attend a professional meeting or program shall follow the travel procedure. When a member of the faculty is designated to attend a meeting to represent the College, the College shall assume the cost of the necessary travel expenses in accordance with its travel policy. Such travel shall be made only when representation shall be of definite value to the instructional program of the College.

6.8 Faculty Travel

Using forms obtained from the Academic Affairs Office, the faculty member shall obtain prior approval for travel from his/her department or division chairperson and the Vice President for Academic Affairs. The form shall detail how classes and other academic duties will be cared for during the faculty member's absence. The Business Office will process travel requests in accordance with the travel policy as it is recorded in the Philander Smith Manual located in the Academic Affairs Office. See Human Resources for forms related to travel (<https://www.philander.edu/human-resources>).

6.9 Leaves

Effective and efficient operations demand the regular attendance of all faculty during the College's normal business hours and at all other scheduled classes and events. For this reason, prompt and regular attendance of all classes, meetings, and other officially scheduled activities is expected of all faculty. Attendance at outside meetings as a representative of the College, attendance at professional meetings as provided for, and all other leaves described below shall be the official basis for absence from duty. All leaves described below, except Study/Research and Sabbatical Leaves, require preparation of an 'Absence Report' by the faculty member and the Division or Department Chairperson. This report must be signed by the Vice President for Academic Affairs for approval and filed with the College's Department of Human Resources. Absence from duty not covered by these provisions may result in disciplinary action, up to and including termination.

Paid Time Off

Paid time off (PTO) provides you with the flexibility to use your time off to meet your personal needs, while recognizing your individual responsibility to manage your paid time off. You can use PTO for vacation, illness, caring for children, school activities, medical/dental appointments, leave, personal business, or emergencies. PTO and FMLA leave will run concurrently, to the extent the employee has available PTO. The amount of PTO earned will depend on your length of service with the College. *PTO does not replace the College's holiday schedule. We will continue to have designated paid holidays each year. PTO is based on the calendar year and cannot be carried over year to year.* For employees with accrued leave that may have carried over from a prior year and pursuant to a previous policy, such leave must be used on or before December 31 of the first year in which this Handbook becomes effective. Thereafter, no leave shall carry over from year to year.

Eligibility. You are eligible to receive PTO if you are a full-time employee. Part-time and temporary employees will not be provided with PTO time. PTO is accrued as you

work. You will not accrue PTO time while you are on leave of absence or suspension. You will not be paid for accrued/unused PTO when you leave your employment with the College. PTO must be used between January 1 and December 31 each year, and no PTO can be carried over from year to year. If you do not use your PTO as allowed under this policy, it is forfeited. PTO is not considered time worked for purposes of computing overtime.

Accrual. On the employee’s anniversary date of each year, PTO days will be advanced and given for the employee to use throughout that calendar year. While an employee’s full, annual PTO balance is allocated at the beginning of the calendar year, the employee accrues PTO on a monthly basis. Prior to actual accrual of PTO hours, employees may use PTO time in advance with the understanding that should employment cease, any amount used in advance of actual accrual must be paid back to the College at the employee's regular hourly rate of pay. An employee must be actively at work on at least one regularly scheduled workday in a new calendar year in order to begin accruing PTO for that year.

The amount of PTO you accrue each year is based on your length of service and accrues according to the accrual schedule below:

| FACULTY (non-adjunct) | |
|------------------------------|---------|
| Term and tenure-track | 10 days |
| Tenured | 20 days |

Use and Management of PTO. Use of PTO is subject to supervisory approval, department staffing needs, and established departmental procedures. Employees are responsible for managing how and when they use the PTO. This means developing a plan for taking your vacations, as well as doctor's appointments and personal business. You are encouraged to take your vacation. We feel all employees need vacation from work to refresh themselves for a better performance of their job. Therefore, you may not remain on the job and receive vacation pay in lieu of taking a vacation.

Generally, employees should submit vacation plans to their supervisor by February 15. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.

Employees are required to provide their supervisors with reasonable advance notice and obtain approval prior to using PTO. This allows for the supervisor to prepare for time off and assure that all staffing needs are met. Employees are encouraged to NOT wait until December to take all of their PTO. Requests may be denied depending on staffing needs, in the College’s sole judgement. Employees should be considerate of how this could impact the Department. Departmental supervisors have the discretion to deny requests for PTO if it causes an issue. It is imperative for employees to stay on top of their schedules with their supervisors to prevent losing this time off. Time off requests may be

denied if they unreasonably interfere with teaching obligations.

Recording PTO. You must complete a PTO request form for all PTO time used. Generally, requests for time off must be submitted in writing to your supervisor two weeks prior to the requested day(s) off. Note, however, that there may be occasions, such as sudden illness, when you cannot notify your supervisor in advance. In those situations, you must inform your supervisor of your circumstances as soon as possible. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department. The supervisor may request that the employee provide a statement from a health care provider concerning the justification for an unscheduled absence. Notwithstanding, nothing in this section should be interpreted to limit, restrict, or interfere with any leave subject to the Family and Medical Leave Act.

PTO & Holidays. Employees are entitled to schedule vacation days during the Thanksgiving holidays or during the Christmas holidays, but not both (note blackout days on request form). For the purpose of this policy, holidays are defined as the workday before or after Thanksgiving and Christmas. Furthermore, employees may request one of these holiday weeks every year, however, the supervisor will only resolve vacation scheduling conflicts based on length of service for two consecutive years. On the third year, the supervisor will resolve the vacation scheduling conflict by using their discretion to grant the week to an employee with less length of service.

If a paid holiday falls within an employee's vacation period, the employee will not be charged vacation for this day. No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.

Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid vacation time as part of the leave. In addition, employees on a leave of absence will not accrue any new vacation time during any unpaid leave.

Separation of Employment. It has been stated elsewhere in this Handbook, but it bears repeating: A separating employee will not be paid for a portion of any unused, accrued PTO, if any. Because PTO is allocated at the beginning of the year, it is possible to run a deficit with supervisor approval. If a separating employee has taken more time than s/he has accrued, the overpayment will be deducted from the employee's final paycheck, to the extent permitted by law.

Questions about PTO. Employees who feel that there is a discrepancy in the calculation of their eligibility may request a review of that calculation by the Human Resources Department. Please note that all call-in procedures relating to attendance, absence, or tardiness must be followed in order to use PTO.

Study/Research Leave

A leave of absence may be granted to a faculty member to permit him/her to pursue advanced study or to carry on research in areas related to present or anticipated service

to the College. The College, because of its interest in faculty growth, provides opportunity for leaves of absence within the limits of its available resources and seeks to augment this provision with grants. The faculty member on study leave shall not be entitled to a salary or other compensation. A faculty member desiring a study/research leave must submit a written request, describing the course of study or area of research to be pursued, to his/her Department/Division Chair the semester before the leave would be scheduled. Study/research requests must be approved by the faculty member's Department or Division Chairperson, the Vice President for Academic Affairs, and the President of the College.

Graduate Studies Leave

A halftime contract and half salary for one semester may be granted to a full-time faculty member to complete graduate work. The following process is to be followed:

1. One-to-two semesters before the request for a half-time teaching contract or half-salary semester, the faculty member should submit a written request to his or her Division Chair. This request should detail the need for this request and the work to be completed. The faculty member should be able to complete the work in one semester. Such work might be revision of a completed dissertation, written examinations, oral examinations, or completion of a thesis;
2. If the Division Chair agrees to the request, he or she is to write a letter recommending the request to the Vice President for Academic Affairs. This letter should specify why this faculty member should be granted this request, based on his or her past academic, committee, and teaching performances;
3. The faculty member's written request, his or her letter of recommendation, and portfolio (including student evaluations and peer observations) should be submitted to the Vice President for Academic Affairs. In the case of revising a dissertation, the faculty member should submit the completed dissertation as well. For examinations, the faculty member should submit a testing schedule. In the case of completion of a thesis, the faculty member should submit a timeline and the thesis proposal;
4. The Vice President for Academic Affairs will notify the Division Chair his or her approval or lack of approval of the request. No explanation for denial of the request is required;
5. If approved, the faculty member is to submit to his or her Division Chair at the end of the halftime semester or before the beginning of the next semester the graduate work that has been completed. The Chair will have the completed graduate work copied and added to the faculty member's portfolio in the Documents Room and the Division personnel file. The faculty member will write the Division Chair and the Vice President for Academic Affairs that the work has been completed and placed on file in both locations. The College may require the faculty member to serve at least three additional years, or otherwise may withhold and recover as an

offset any amount paid to the faculty member during such period of leave. Nothing in this section is intended to create an expectation of any particular duration of employment.

Sabbatical Leave

The purpose of a Sabbatical Leave is to provide a faculty member the opportunity to engage in study and/or research in his chosen field. The length of a Sabbatical Leave shall not exceed one academic year, i.e. nine months. The salary for a faculty member on sabbatical leave shall be based on his/her salary at the time the leave is officially granted. The faculty member shall receive full salary for one semester or one-half salary for two semesters. Faculty may be granted a sabbatical leave upon the recommendation of their department/division chairperson, the Research & Sabbatical Leave Review Committee, and the Vice President of Academic Affairs with the approval of the President. A faculty member shall serve seven years before he/she is eligible to apply for a sabbatical leave.

All perspective applicants should complete the Application for Research & Sabbatical Leave Form. Faculty requesting sabbatical leave should file their application with their Department or Division Chairperson on or before **February 15** (or under another schedule published by the Vice President for Academic Affairs) of the academic year preceding the academic year for which leave is requested. Chairpersons should forward their recommendation to the Research and Sabbatical Leave Review Committee on or before **March 1st** or another deadline imposed by the College. The Research and Sabbatical Leave Review Committee shall forward its recommendation to the Vice President for Academic Affairs on or before **March 31st**. The Vice President for Academic Affairs shall forward his/her recommendation to the President after having reviewed, approved, or denied by **April 15th**.

A faculty member who is granted a leave of absence (including sabbatical) with pay shall return for service to the College for an amount of time at least the length of the sabbatical leave. Failure to return obligates the faculty member to reimburse the College for all funds advanced, plus the amount of interest the money would have generated during the leave of absence.

Bereavement Leave

A faculty member may take up to a maximum of three days of paid leave per year for bereavement purposes due to the death of an immediate family member. Immediate family members include your spouse, children, parents, siblings, permanent members of your household, or individuals who stood in loco parentis to you as a child or to whom you stood in loco parentis when they were children. You may request up to one day of paid leave per year due to the death of an extended family member; specifically, grandparents, great-grandparents, parents-in-law, grandchildren, or great-grandchildren. Additional unpaid time may be granted on a case-by-case basis. A faculty member may, with the approval of his/her Division or Department Chairperson, use any available paid leave for additional time off as necessary. A total of four days of bereavement leave can be used

each year.

Jury Duty Leave

In the event an employee is summoned to serve jury duty, it is required that the employee provide proof of summons, as well as documentation for the period served on jury duty. Employees are expected to report to work during any time off, postponement, or similar break or delay in jury service of a half-day or more. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Faculty must present such documentation to the Division and Department Chairs, Vice President of Academic Affairs, and Director of Human Resources. Employees are expected to report for work whenever the court schedule permits. Employees will be granted temporary leaves of absence for time required to serve on jury duty. Jury duty leave will not be debited from an employee's available paid time off allotment. Employees on jury duty will be paid for one day (eight (8) hours) of straight time for each day they miss from work for up to five (5) days. During this period of paid jury duty leave, employees will be required to reimburse the Company for any compensation they receive from the governmental agency for the jury duty. Any jury duty leave that lasts longer than five (5) days will be treated as unpaid leave.

Family and Medical Leave (FMLA)

It is the policy of the College to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence. The College complies with the provisions of the federal Family and Medical Leave Act ("FMLA"). Employees who have worked for the College for at least one (1) year in the past seven (7) years; who have worked at least 1,250 hours during the previous twelve (12) months (unless the employee is classified as an "exempt" employee under the Fair Labor Standards Act; an employee should consult with the Human Resources Department to determine whether the employee is classified as exempt or non-exempt); and work at location where at least 50 employees are employed by the College within 75 miles of that work site are eligible for leave under the FMLA. The FMLA provides eligible persons with up to twelve (12) weeks unpaid leave during a 12-month period for certain qualified family and medical situations. The FMLA makes it unlawful and the College will not: (i) Interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; and (ii) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. We have posted and will continue to display the poster entitled: "**EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**" (WHD Publication 1420 (revised April 2016)).

Reasons for Taking Leave.

1. For the care of the employee's child (birth or placement for adoption or foster care);

2. For the care of the employee's spouse, dependent child, or parent who has a serious health condition; or
3. For the employee's own serious health condition;
4. For a "qualifying exigency" while the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call to order to covered active duty). A qualifying exigency includes: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; (8) Parental care; and (9) Any other leave for which the employer and employee have both agreed shall qualify as an exigency;
5. For the care of the employee's spouse, son, daughter, parent, or next of kin, who is a service member with a serious illness or injury incurred or aggravated in the line of duty. Employees eligible for this type of leave may be eligible for up to twenty-six (26) workweeks of leave, rather than the usual twelve (12), during a single 12-month period.

Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other regular daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves at least two (2) visits to a health care provider or one (1) visit and a regiment of continuing treatment, or incapacity due to pregnancy or parental care, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. **The College requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.**

Eligibility for Military FMLA Leave. When electing to take FMLA leave for purposes of caring for a covered service member, the following definitions apply:

"Covered service members" are current members of the Armed Forces, including members of the National Guard or Reserves, who are undergoing medical treatment, recuperation, or therapy, are otherwise in outpatient status, or are otherwise on the temporary disability retired list, for a serious injury or illness; or covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces

(including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

“Serious injury or illness” means an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

In the case of a covered veteran, a “serious injury or illness” is an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Next of kin” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Duration of Military FMLA Leave. Leave to care for a covered service member with a serious illness or injury, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Military FMLA leave runs concurrently with other leave entitlements provided under federal, state, and local law.

Leave Year. Except for purposes of leave to care for an injured service member, the leave year (the 12-month period), under this policy shall be calculated on a “rolling 12-month period” measured backward from the date an employee uses any family leave.

FMLA and Workers’ Compensation. When an employee is on leave due to an on-the-job injury or illness which is a serious health condition under the FMLA, the

workers' compensation absence and FMLA leave will run concurrently.

Advance Notice and Medical Certification. If the leave is to be covered completely through the use of vacation or sick, then the employee should provide notice as required under those policies where possible. However, where the need for the leave is foreseeable, and if some or all of the leave will not be covered through the use of vacation, the College requires that written notice be provided to the Human Resources Department thirty (30) days in advance of the leave. If leave is not foreseeable, then the employee must provide notice to the College as soon as practicable.

Employees must provide the Human Resources Department with sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An employee requesting FMLA leave must furnish the College with a medical certificate to support the need for a leave due to the employee's serious health condition or that of the family member. The medical certificate must be submitted to the Human Resources Department within fifteen (15) days after receiving the certification forms from the College unless such submission is impracticable and the employee has made diligent, good faith efforts to comply with this deadline. The employee will also be required to provide periodic reports of the employee's status while on leave. Further, the employee will be required to furnish recertification from a health care provider if he or she requests an extension of FMLA leave, if circumstances described by the previous certification have changed significantly, or if the College has information that casts doubt on the need for continued leave. At the end of the leave, the employee will be asked to present a doctor's certificate of fitness to return to work. If an employee is unable to return from leave because of a serious health condition, medical certification may be required.

Employees who remain temporarily unable to perform their jobs after exhausting FMLA leave may request extensions of leave beyond the twelve-week limit. Employees must request the extension reasonably in advance of the expiration of the expiration of the existing leave, and any such extension must be approved by the Human Resources Department.

Employment and Benefits Status. During FMLA Leave, the College will maintain employees' health coverage under any "group health plan" on the same terms as if the employee's had continued to work. In most circumstances, employees returning from FMLA leave will be restored to their original or equivalent pay, benefits, and other employment terms. The College may find it necessary to deny reinstatement to certain highly compensated employees, but only if it is found necessary to avoid substantial and grievous economic injury to the operation of the College.

Employees who take advantage of FMLA leave will be eligible for any employment benefit that accrued prior to the start of the leave.

Medical Insurance Coverage. During FMLA leave, employees may continue to participate in the College's group health plan under the same conditions as if they continued to work. The College will make arrangements with employees requesting leave for the continued payment of the employee's share of the medical premium. If an employee fails to make premium payments as arranged and becomes in arrears for more than thirty (30) days, coverage may terminate. The employee may resume coverage when he or she returns from leave without having to re-qualify for insurance coverage.

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military or public service.

Use of Leave. An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the College's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave. Employees must utilize available vacation time and sick time toward FMLA leave. Employees who request FMLA leave should consult with their supervisors for details on the availability of vacation time or sick time. In order to use paid leave for FMLA leave, employees must comply with the College's normal paid leave procedures found in its VACATIONS and SHORT-TERM ABSENCES policies.

Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When such notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the College's normal call-in procedures. The College may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the College to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the College if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The College also may require a second, and if necessary, a third opinion (at the College's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The College also may delay or deny approval of leave for lack of proper medical certification.

College Responsibilities. The College will inform employees requesting leave whether they are eligible under the FMLA. If they are, the College will notify them of their rights and responsibilities and will specify any additional information required. If employees are not eligible, the College will provide a reason for the ineligibility.

Other Provisions. Under an exception to the Fair Labor Standards Act (“FLSA”) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee’s exempt status. This special exception to the “salary basis” requirements for the FLSA’s exemptions extends only to eligible employees’ use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the College has approved the employment under its OUTSIDE EMPLOYMENT policy and the employee’s reason for FMLA leave does not preclude the outside employment.

Job Restoration After FMLA Leave. The College will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the College’s operations. A “key” employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Special Rules for Instructional Employees. Special rules apply to “instructional” employees under the FMLA. These rules are meant to be read in conjunction with the general FMLA leave policy. For instance, the usual requirements for employees to be eligible apply to FMLA leave by instructional employees, including employment at a worksite where at least 50 employees are employed within 75 miles. In the event of conflict between these rules and the general FMLA policy set forth above, these rules govern only to the extent that they apply to instructional employees. “Instructional employees” are employees whose principal function is to teach students in a class, small group, or individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. If you have any questions about your status under the FMLA’s Instructional Employee

regulations, please contact Human Resources. The special rules affect the taking of **intermittent leave, leave on a reduced leave schedule, or leave near the end of a semester**. For "instructional employees," the following rules apply:

Intermittent or Reduced Leave. If an eligible employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or because of the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee will be on leave for more than 20 percent of the total number of working days over the period the leave would extend, in order to minimize the disruption to the educational process, the College may require the employee to choose either to:

1. Take leave for a particular duration, not longer than the duration of the planned treatment. If the employee chooses this option, the entire amount of leave will be counted against his/her FMLA leave entitlement.
2. Alternatively, the employee may transfer temporarily to an available alternative position, for which he/she is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave.

If the employee does not give required notice of foreseeable leave to be taken intermittently or reduced leave schedule, the College may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position, or delay the taking of leave until the employee has given the necessary notice.

Leave Near the End of a Semester. If the employee begins a leave more than five weeks before the end of a semester, less than five weeks before the end of a semester, and less than three weeks before the end of a semester, special rules apply. If the employee begins leave more than five weeks before the end of a semester, the leave will last at least three weeks, and the employee would return to work during the three-week period before the end of the semester, the College may require the employee to continue taking leave until the end of the semester.

If the employee begins leave during the five-week period before the end of a semester because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member, the College may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks, and the employee would return to work during the two-week period before the end of the semester.

If the employee begins leave during the three-week period before the end of a semester because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member, the College may require the employee to continue taking leave until the end of the semester if the leave will last more than five working days.

If the College requires the employee to continue taking leave to the end of the semester, only the period of leave until the employee is ready and able to return to work will be charged against the employee's FMLA leave entitlement. However, the College will maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave. The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of established school policies and practices.

Further Information. For more information about our Family Medical Leave Policy, please contact the Human Resources Department or see the "Employee Rights and Responsibilities" form.

Military Leave

The College recognizes the commitment and responsibility of our employees to serve in the armed forces. Accordingly, the College complies with all applicable laws concerning military leave.

The College complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military, and it provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services.

The College will grant a military leave of absence to employees who are required to miss work because of service in the United States uniformed services in accordance with USERRA. Employees must notify the College upon receipt of a notice that he/she will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable, and employees should provide the College with a copy of his/her official orders. When an employee receives notice that he/she will need a military leave of absence, please contact the Human Resources Department for further information regarding employee's rights and responsibilities under USERRA.

All full-time faculty who are members of the National Guard or the Reserve components of the Armed Forces of the United States shall receive full pay (not to exceed 10 paid working days) when required by Federal/State orders to be away from work for military reasons. Faculty on two-week active duty training assignments or inactive duty training drills are required to return to work as soon as possible after the end of training, allowing reasonable travel time.

6.10 Holidays and Breaks

The College observes certain days each year as holidays. Eligible employees will be given a day off for each holiday observed if scheduled to work on the day during which the holiday is observed. The schedule of holidays the College will observe during each

calendar year will be established by the College's management and published by the Human Resources Department before the beginning of the year. Typically, the College will observe the following holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Juneteenth (June 19th)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Recess (Wednesday, Thursday, Friday)
- Winter Break (generally the week of Christmas through January 1)

If January 1, June 19, July 4, or December 25 fall on a Sunday, the following Monday will be observed as a holiday. If January 1, June 19, July 4, or December 25 occurs on a Saturday, the preceding Friday will not be observed as a holiday. If a holiday occurs during an employee's vacation period, the employee will not be charged vacation for this day. The College may schedule work on an observed holiday as it considers necessary. Employees on leaves of absence are not eligible to receive holiday pay. Employees who are still within the Introductory Period of employment are entitled to receive holiday pay in a manner consistent with this policy.

Faculty with nine-month contracts will be off duty during the Christmas and the Spring breaks, although the College may be open during those periods, and faculty with 12-month appointments may be on duty. Dates for these periods will be published in the current edition of the Philander Smith College catalog.

6.11 Workers' Compensation Insurance

The College complies with all applicable Worker Compensation Insurance laws. Generally, workers' compensation coverage will pay for reasonably necessary medical care needed if you get hurt or get sick because of an injury on the job. However, you must immediately report a work-related accident. Your failure to immediately report a work-related accident or to cooperate with the College and its workers' compensation carrier may delay or terminate your workers' compensation benefits. Workers' compensation coverage will also replace part of your lost wages if your doctor says you must be off from work for a certain length of time because of a work-related injury or illness. The College or its workers' compensation insurance carrier has the right to choose the doctor who will treat you. In order to use workers' compensation benefits, you must generally:

- Complete all workers' compensation forms in a timely manner.
- Keep all appointments.
- Report all earnings you receive after your injury to the workers' compensation carrier.

- Receive approval from the workers' compensation claims handler before receiving treatment. If you are not satisfied with the doctor first assigned, ask your claims handler or carrier to approve another doctor.
- Return to work as soon as the doctor says you are able.

Neither Philander Smith nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during a faculty member's voluntary participation in any off duty recreational, social, or athletic activity sponsored by Philander Smith. Contact the Human Resources Department with any questions.

6.12 Voting

The College encourages faculty to fulfill their civic responsibilities by participating in elections. The College complies with the time off for voting provisions established by local, state, and federal law, including Ark. Code Ann. § 7-1-102. Employees are encouraged to take advantage of early voting periods, which have extended voting hours. Time off under this Policy should be requested in advance and approved by the supervisor when it is not possible for an employee to vote before or after regular work hours. The College strives to schedule employees' work schedules on election days to enable its employees to vote.

6.13 Philander Smith College Tuition Assistance and Tuition Reimbursement Policy

Philander Smith College supports the need for the continued professional growth of its faculty and staff. We are committed to using institutional funds to reimburse eligible employees for tuition costs associated with credit coursework completed in a satisfactory manner at a regionally accredited, degree-granting college or university.

Policy: It is the intent of this policy to encourage and support educational opportunities of full-time employees that will benefit Philander Smith College's mission and strategic goals, enhance employees' current job performance, and improve options for career advancement. Tuition Assistance/Reimbursement is the financial support for approved educational courses that are job-related or are part of a degree, professional certification, or licenses program. Tuition assistance/reimbursement shall be subject to the availability of funds and shall be limited to the cost of tuition.

Authority: The President or his/her designee shall approve/disapprove the tuition assistance/reimbursement requests. The college president may also delegate the approval of tuition reimbursement requests and the oversight of the institution's professional development program to the Vice President for Academic Affairs.

Program Eligibility:

1. Full-time employees who have completed twelve months of continuous employment and have satisfactory job performance in their current position are eligible for tuition assistance/tuition reimbursement. Adjunct faculty and part-

time employees are not eligible for this program. In exceptional circumstances the college president, may waive the service eligibility requirement for tuition reimbursement. When service eligibility requirements are waived, an explanatory justification statement approved by the college president shall be forwarded to the Human Resources Office.

2. Requests for tuition assistance/tuition reimbursement must be for credit courses that are directly related to the employee's existing job or career path or are part of a graduate degree, professional certification, or licensing program. Job-related courses are defined as those in which the course content is directly related to the employee's present duties and responsibilities or is needed to maintain or improve skills required by the institution. Courses that are not directly related to a specific job, but form part of a job-related degree program (career related), also qualify for this benefit. Coursework undertaken by an employee for self-enrichment does not qualify.
3. Courses eligible for tuition assistance/reimbursement must be for college credit(s) from a regionally accredited, degree-granting college or university. This includes classroom and on-line courses. No auditing of courses is permitted.
4. Requests for tuition assistance/ reimbursement must be made, and approval granted, prior to the start of the course.

Procedures:

1. Requests for tuition assistance/reimbursement for the tuition cost shall be initiated by the employee. To be considered an eligible employee must complete a Request for Tuition Assistance/Reimbursement and a Tuition Assistance/Reimbursement Agreement and submit these forms along with material describing the course and/or program to his/her supervisor for initial approval.
2. For initial approval, the supervisor shall review the request to determine job relatedness, benefit to the institution, and that the proposed course meets the criteria for tuition assistance/reimbursement. The supervisor shall forward all approved tuition requests along with supporting documentation to the institution's appointing authority (i.e. College President) or his/her designee (i.e. Vice President for Academic Affairs) for final approval and funding allocation. If the request is rejected, the request shall be returned to the employee indicating the reasons(s) for the denial.
3. Once final approval has been granted, the institution shall provide the employee with written notification of the approved tuition support request. The written notification shall designate the authorized coursework and funding allocation, as well as provide information pertaining to the requirements for payment or reimbursement. A copy of the approved Request for Tuition Assistance/Reimbursement and a Tuition Assistance/Reimbursement Agreement shall be provided to the employee along with the written notice.

4. The original authorized Request for Tuition Assistance/Reimbursement and Tuition Assistance/Reimbursement Agreement shall be forwarded to the institution's business office. Copies of the approved tuition reimbursement documents shall be provided to the employee's supervisor, and the institution's human resources office.

Tuition Assistance/Reimbursement Policy Details:

1. Tuition Assistance/Reimbursement shall be limited to nine credit hours (may not exceed \$3,000) per semester/term.
2. Tuition Assistance/Reimbursement shall be for tuition costs only. Expenses associated with fees, travel, books, or incidental items are non-reimbursable.
3. Subsequent requests for tuition assistance/reimbursement may be obtained for courses taken and completed with a grade of "B" or better for graduate level work. In cases where the grading system is Pass/Fail, Satisfactory/Unsatisfactory, etc., the employee must receive the grade that gives credit for the course.
4. Tuition assistance/reimbursement for courses taken more than once will not be provided.
5. Must be part of an employee's professional development plan within their annual performance evaluation.
6. The provision of tuition assistance and reimbursement shall be subject to the availability of funding and based upon institutional priorities/needs. The amount of reimbursement shall be contingent upon institutional budget allocations.

General Provisions:

1. The employee is no longer eligible for tuition assistance/reimbursement if he/she does not complete the course satisfactorily, drops or withdraws from the course(s); or leaves employment of Philander Smith College before completing the course. Employees who receive a grade of "Incomplete" will be reimbursed only when the grade for the course has been changed to a grade of "B" or better for a graduate course. In cases where the grading system is Pass/Fail, Satisfactory/Unsatisfactory, etc., the employee must receive the grade that gives credit for the course.
2. Employees who leave employment from Philander Smith College before completing the course(s) will have to reimburse the College for the cost of the courses.
3. Participants must commit to stay employed by the College 2x's the duration of support they are provided (per semester). For example, 1 semester of support

equals 2 semesters of commitment. Failure to do so will require repayment of support back to the institution.

4. Courses may not be taken during work hours. An employee's supervisor may grant an exception to this with authorization from the appropriate Cabinet member. In considering such requests, the employee's supervisor must verify that the employee's attendance at class will not adversely affect his/her job performance or department services or productivity. For courses approved to be taken during work hours, the employee shall use appropriate leave or, if approved by their supervisor, adjust their work schedule to make up the time taken during their work day. The employee shall be required to make up work time during the designated pay week.

Payment:

1. **Tuition Payments:** Will be considered prior to the start of the course with an approved Tuition Assistance Application and Tuition Assistance Agreement, tuition bill from college or university, and current registration record.
2. **Tuition reimbursements:** Within 30 days after the completion of the course, the employee is responsible for providing documentation of the successful completion of course(s) approved for reimbursement to the institution's business office for processing. Such documentation must include proof of the paid tuition bill, evidence of successful completion of the course (college transcript, grade report, or certification of course completion), and the approved Request for Tuition Reimbursement and Tuition Reimbursement Agreement.
3. The institution's business office shall be responsible for processing of payment.

Reporting:

1. The Vice President for Academic Affairs shall be responsible for maintaining records for college personnel on education and training activities, funding allocations and costs, and each employee who uses the program, including information on what program the employee participated in (program title, dates, location and sponsor), cost of the program, and completion.
2. The Director of Human Resources shall be responsible for maintaining records for system office personnel on education and training activities, funding allocations and costs, and each employee who uses the program, including information on what program the employee participated in (program title, dates, location and sponsor), cost of the program, and completion.
5. Funds received through this program will be reported to the institution the participant is enrolled in to be used in consideration of financial aid decisions.

Note: These policies may be amended at any time, do not constitute an employment contract, and are provided here only for ease of reference and

without any warranty of accuracy. The program outlined above does not include Philander Smith College's tuition remission policy for undergraduate courses.

Additional Information: Employees are not to enroll in classes that are scheduled for 8:30 a.m. to 5:00 p.m. without the approval of their immediate supervisor and cabinet level member. Employees may receive a one hundred percent (100%) tuition/fee discount up to the cost of six (6) credit hours and their spouses and dependent children may receive a fifty (50%) tuition/fee discount up to the cost of six (6) credit hours when enrolled in classes at Philander Smith College. These discounts are secondary to any scholarships, grants, or other aid as outlined in the college's policy for institutional awards. At no time shall these discounts result in creating refunds to the individual. Only two dependents may receive the benefit of this policy at any given time. Abuse or misuse of this program will result in disciplinary action, up to and including termination. If an employee's employment ceases for any reason during the period of time in which a dependent is receiving tuition assistance under this policy, the dependent will no longer receive such benefits.

6.14 Credit Union Participation

Faculty may elect to participate, via payroll deduction, in the Arkansas Teachers Federal Credit Union. Application forms may be obtained from the Human Resources Department, but membership payments plus any joining fees must be made directly with the Credit Union. Once membership has been established, the Credit Union shall remit to the Human Resources Department a "Payroll Deduction Request" form which has been signed by the participating faculty member. This request authorizes the College to withhold an agreed amount from the faculty member's semi-monthly pay to be submitted to the Arkansas Teachers Federal Credit Union. Additional information regarding the Arkansas Teachers Federal Credit Union may be obtained by contacting them at (501) 376-9250.

CHAPTER SEVEN: COLLEGE POLICIES & PROCEDURES

7.1 Commitment to Equal Employment Opportunity

The College is an Equal Employment Opportunity employer, and it is our continuing policy to ensure equal employment opportunity in all aspects of employment. No person will be discriminated against in employment because of race, religion, color, genetic information, sex, sexual orientation, gender identity, age, national origin, disability, veteran status, or any other characteristic protected by applicable federal or state law. This policy applies to all terms, conditions, and privileges of employment and all policies of the College. Recruiting, hiring, training, and promoting for all jobs is conducted without regard to race, religion, color, genetic information, sex, sexual orientation, gender identity, age, national origin, disability, and veteran status, and conforms with all applicable laws and regulations. Decisions on employment are based solely on the individual's qualifications for the position being filled. Any promotional decisions will be based solely on the individual's qualifications as related to the requirements of the position for which the individual is being considered, assuming that an open position exists. Our College does not limit, segregate, or classify job applicants or employees in a way that adversely affects his or her employment opportunities or status on the basis of that individual's status as a protected veteran or as someone with a disability. A separate policy governs the College's Title IX Compliance Program and can be found in the Course Catalog.

The Director of Human Resources, who reports to the President on matters relating to this policy, is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the Director of Human Resources. While overall authority for implementing this policy is assigned to the Director of Human Resources, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employee who believes he or she has suffered from discrimination should report this concern to his or her manager or Director of Human Resources. All employees are asked to assist the College in its performance of its equal employment opportunity initiatives.

All complaints of discrimination, harassment, and retaliation will be investigated promptly and in an impartial and confidential manner as required on a case-by-case basis, and a timely resolution of each complaint should be reached and communicated to the parties involved. The College prohibits any form of retaliation against employees for bringing good faith complaints or providing information about discrimination.

7.2 General Harassment Prevention Policy

It is the policy of the College to treat all employees equally in their terms and conditions of employment. The harassment of any employee based upon protected status is contrary to this policy and may be considered a violation of applicable federal or state

law and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, managers, agents, and non-employees who have contact with employees during working hours.

Harassment is any annoying, persistent act or actions that singles out an employee to that employee's objection or detriment, because of race, ethnicity, sex, sexual orientation, gender identity, color, age, religion, ancestry, national origin, status as a veteran, status as an individual with a disability, or any other legally protected status. Harassment may include, but is not limited to, the following:

1. Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted advances, invitations, or comments based upon protected status.
2. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her sex or other protected status.
3. Displaying or distributing offensive materials based upon protected status. This includes derogatory posters, cartoons, drawings, or gestures.
4. Discriminating against any employee in work assignments or job-related training due to an individual's protected status.
5. Intimate, unwelcome physical contact.
6. Making protected status innuendos.
7. Demanding favors (sexual or otherwise), explicitly, or implicitly as a condition of employment, promotion, transfer or any other term or condition of employment.
8. Retaliation for having reported harassment.

It is every employee's responsibility to ensure that his or her conduct does not include or imply protected status harassment in any form. If, however, such harassment or suspected harassment has or is taking place, the following will apply:

1. Any protected status harassment or suspected harassment should immediately be reported to the person's manager. If the harassment involves the person's manager, then the harassment should be reported to the Director of Human Resources, if available, and if not available, to another manager. A written statement by the complainant setting forth all pertinent facts may be required.
2. Any manager who receives a report of or has knowledge of such harassment shall promptly inform the Director of Human Resources, who will then determine whether further investigation is warranted.

3. Each complaint shall be investigated, and a determination of the facts will be made on a case-by-case basis. Appropriate action up to and including discharge may then be taken.
4. The results of the investigation to the extent possible will be kept confidential and provided only to those employees of the College on a need-to-know basis.
5. The College will not tolerate protected status harassment or any form of retaliation against an employee who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge.

False accusations of harassment are considered serious and may result in disciplinary action of the complainant up to and including termination of employment.

It is against Philander Smith College's policy to harass any person because of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, marital status, disability, unfavorable discharge from the military, or status as a disabled veteran or a veteran of the Vietnam era, and to comply with all applicable federal and state nondiscrimination, equal opportunity, and affirmative action laws, orders, and regulations. The College intends to provide an environment that is pleasant, healthful, comfortable, and free from intimidation, hostility, or other offenses. Harassment of any sort - verbal, physical, visual, or sexual - will not be tolerated. Harassment is a very serious offense that can result in the imposition of severe disciplinary measures, including suspension, expulsion, and termination. Harassment is a form of persecution that can cause anguish and humiliation and is incompatible with our Christian heritage. It is unacceptable under any circumstances and will not be tolerated.

What is Harassment? Harassment can take many forms. It may include, but is not limited to, the use of words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature. Speech or other expression constitutes harassment if it is:

1. Intended to insult or stigmatize an individual or an identifiable group of individuals on the basis of age, ancestry, disability, national or ethnic origin, race, religion, gender, or sexual orientation;
2. Addressed directly to (though not necessarily in the presence of) the individual(s) whom it insults or stigmatizes; or
3. Makes use of words or nonverbal symbols that convey hatred or contempt for human beings on the basis of age, ancestry, national or ethnic origin, race, religion, gender, or sexual orientation.

Harassment may also include nonverbal acts that would also be punishable as, for example, vandalism, physical assault, or destruction of property. Other examples of

harassment include insults or jokes referring to an individual's group-based attributes; placement of offensive written or visual material in another person's work or living area; offensive messages sent through voice or e-mail; and undesired physical contact, physical violence, or threat of physical violence.

Cases of harassment involving students will be handled by the Disciplinary Committee or other appropriate administrators.

Such actions are prohibited not only by the College, but also by Section 703, Title VII of the Civil Rights Act of 1963 and Title IX of the Education Amendments Act of 1972 and may have legal consequences.

7.3 Sexual Harassment Prevention Policy

While our general harassment prevention policy prohibits sexual harassment, Philander Smith College takes this opportunity to emphasize its firm and resolute commitment to a working and learning environment free of sexual harassment.

It is against College policy to sexually harass or to discriminate against any member of the College community on the basis of sex, sexual orientation, or gender identity. Such actions are prohibited not only by College policy, but by Title VII of the Civil Rights Act of 1963 and Title IX of the Education Amendments Act of 1972. Violation of these Acts may subject the College and/or individuals to disciplinary action and may have legal consequences.

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or classroom evaluation;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the status of the individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or classroom performance or creating an intimidating, hostile, or offensive working or academic environment.

The College seeks to encourage the prompt reporting of such harassment and its prompt resolution through either formal or informal procedures.

In addition, the College will take strong steps toward and encourage the development of programs aimed at informing students and employees of their right to be free from sexual harassment and the procedures available for reporting. Programs will also be developed and aimed at preventing sexual harassment.

7.4 Reasonable Accommodations

Consistent with the College' Equal Employment Opportunity commitment with respect to individuals with disabilities, the College will provide reasonable accommodations to applicants and employees who are qualified individuals with disabilities if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If you believe you need an accommodation because of your disability, you are responsible for requesting a reasonable accommodation from your manager. You may make the request orally or in writing. The College encourages employees to make their requests in writing to the Director of Human Resources and to include relevant information, such as:

- A description of the accommodation you are requesting.
- The reason you need an accommodation.
- How the accommodation will help you perform the essential functions of your job.

The College encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the College is not required to make the specific accommodation requested by you. The College makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation, and may provide an alternative, effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship. You may be required, in line with applicable federal, state, and local laws, to provide information related to your disability from your health care provider, and you may be requested to provide consent for the College to contact your health care provider. The College expressly prohibits any form of retaliation against any individual for requesting an accommodation in good faith.

CHAPTER EIGHT: GENERAL EMPLOYMENT POLICIES

Each employee's work is important to Philander Smith College, and we are all part of the same team, linked to one another by our common purpose. You are an integral part of the team, so everything you do and project in your manner impacts our success. We are all working toward the same goal—cooperate and be amazed at what you can accomplish together. So that we all function as a team in the delivery of exceptional educational opportunities to our students, the College's management has prepared this Employee Handbook ("Handbook").

This Handbook contains statements of personnel policies and procedures of general application to all employees of the College. These written policies should increase understanding, eliminate the need for personal decisions in matters of College-wide policy, and help to ensure uniformity throughout the College where possible. However, given the unique nature of the College's operations, certain sections herein may only be of applicability to certain classifications of employees, such as professors and adjunct professors. Where a policy has limited application, such information will be conveyed in a separate section that clearly designates which employees are covered by a particular policy.

Of course, no Handbook can answer every question, nor would we want to restrict the normal question and answer interchange among us. In addition, circumstances will undoubtedly require policies, practices, and benefits described in this Handbook to change from time to time. No business is free from day-to-day challenges, but our person-to-person interactions can help us work together in a harmonious relationship. All of us must work together to move Philander Forward. To that end, we ask that you read this Handbook carefully, and refer to it whenever questions arise. If any statements in this Handbook are not clear to you, or if there is any conflict between provisions of general or limited application, please contact the Human Resources Department for clarification.

NOTICE OF MODIFICATION

The College is committed to the belief that input on all important issues concerning the College is important. Policies that evolve from broad input and consensus are more readily supported by all members of the College community. The College also acknowledges that the final authority for many decisions lies with the President and, in some instances, with the Board of Trustees. Employees may generally expect directives from the administration addressing personnel, procedures, and programs to be communicated in an appropriate manner from the President's Office. To that end, administrative staff, division chairs, department chairs, program directors, and other administrators will refrain from initiating, transmitting, or executing policies that lie beyond their normal range of responsibility unless they receive written directives stating otherwise.

Due to needs for operational agility, the College, at its option, may change, delete, suspend, or discontinue any part or parts of the policies in this Handbook at any time without prior notice. The College's President has the right to interpret these policies given

the underlying facts of each matter. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the employer and employee. Employees may not accrue eligibility for monetary benefits that they have not earned through actual time spent at work. Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked.

Except as otherwise provided herein, no statement or promise by a supervisor or department head may be interpreted as a change in policy nor will it constitute an agreement with an employee. Similarly, this Handbook does **not** create an express or implied contract, or contract of any kind, between the College and the employee. Nothing in this Handbook guarantees or should be construed as guaranteeing employment for any specific duration of time. For certain professors, the College will enter into employment agreements that specify the nature of that unique employment relationship. In all cases relating to conduct, however, this Handbook controls.

The policies and practices described in this Handbook are designed to comply with applicable law. If any policy or practice is not in compliance, then it is the College's policy to comply with applicable law. Should any provision in this Employee Handbook be found to contrary to any applicable law, such finding does not invalidate the entire Employee Handbook, but only the subject provision. This Handbook replaces (supersedes) all other previous Handbooks for the College as of September 16, 2021.

8.1 Human Resources

The task of handling personnel records and related personnel administration functions at the College has been assigned to the Human Resources Department. Questions regarding insurance, wages, and interpretation of policies may be directed to the Human Resources Department. Keeping your personnel file up-to-date can be important to you with regard to pay, deductions, benefits, and other matters. If you have a change in any of the following items, notify the Human Resources Department as soon as possible:

1. Legal name
2. Home address
3. Home telephone number
4. Person to call in case of emergency
5. Number of dependents
6. Marital status
7. Change of beneficiary
8. Driving record or status of driver's license, if you operate any College vehicles
9. Military status
10. Exemptions on your W-4 tax form

Coverage or benefits that you and your family may receive under the College's benefits package could be negatively affected if the information in your personnel file is incorrect. In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes as

soon as possible.

If an employee has any job-related certificates of training or other job-related achievements that they would like placed in their personnel file, please forward them to the Human Resources Department. The College may refer to your personnel file when we need to make decisions in connection with promotions, transfers, layoffs, disciplinary action, and recalls.

Only supervisors and management who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved by the Human Resources Department. All records required to be maintained with respect to employee medical documentation and voluntary self-identification of veteran and/or disability status are maintained in confidential files excluded from an employee personnel file and are not subject to inspection. Such confidential records are only used to the extent authorized by law.

Employees should refer all requests from outside the College for personnel information concerning applicants, employees, and past employees to the Human Resources Department. The Human Resources Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: (a) Employment dates; (b) Position held; and (c) Location of job site.

All inquiries from prospective employers concerning employment-related information on current and former employees should be directed to the Human Resources Department. All requests for written responses to employment reference/verification inquiries must contain the employee's signature authorizing the release of information. The College has a policy of providing neutral references only and will generally only provide information about the employee's date of hire, date of separation, job title, and rate of pay.

8.2 General Expectations and Responsibility to Our Students

Development of skills and proficiencies in job performance are vital. Through the personal efforts of each individual employee, the College can expect to achieve its objectives of excellence in teaching, research, and community service. Belief in the importance of these goals is essential to successful employment at the College, and all new employees will be given an initial orientation by the Human Resources Office and/or their supervisor that cover some of these broad objectives. At that time, the supervisor will inform his/her employee of the expectations related to their job functions.

All employees of the College, however, must be mindful that the students are the primary clients or constituents on the campus. Without them, there would be no need for the institution. Each employee is expected to be "student centered" and realize that their job function, directly or indirectly, exists to serve the students of the College with respect,

commitment, and effective service, while also maintaining appropriate boundaries. The responsibility for accomplishing the objectives of any department, however, rests with the department head and/or supervisor. Each employee has a responsibility to seek guidance and support in matters related to job assignments and for assistance in effective job performance. To that end, teamwork is absolutely essential for the success of our institution.

CHAPTER NINE: CONDUCT GUIDELINES AND EMPLOYMENT POLICIES

9.1 Policies Regarding Employment

Faculty Terms of Employment. The specific terms and conditions of every appointment of academic personnel will take the form of a written contract signed by the President and the faculty member. Each contract will set forth terms of employment, such as the beginning and ending dates of employment and major services to be rendered. The written contract will constitute the whole agreement between the faculty member and the College.

Code of Ethics. The College's leadership in the communities we serve is one reason every employee of the College must practice the highest possible standards of ethical behavior. We take our responsibility seriously because we know that our reputation depends on us to use honesty, fairness, and integrity in all aspects of our business and personal conduct. For this reason, each one of us must take responsibility for understanding the College's expectations concerning our behavior. Underlying and supporting ethics at the College is the personal integrity of each of our employees and the highest standards in their personal and professional conduct. Our Code deals both with "doing things right" and with "the right thing to do" so as to maintain our personal and institutional integrity. The sound judgment and integrity shown by employees in avoiding conflicts, either direct or indirect, between the best interests of the College and private interests is a continuing source of pride to the College. This is an area in which there can be no compromise with the highest standards. The College's reputation, and that of its employees, is one of its greatest assets.

Each employee is responsible for being familiar with the Code of Ethics. Violations of the Code of Ethics constitute grounds for disciplinary action, up to and including termination. Employees are expected to act fairly and honestly in all matters pertaining to the College and with others, and to maintain the high ethical standards of the College in accordance with this Code of Ethics. If an employee is unsure whether there may be a violation of the Code of Ethics, the Director of Human Resources should be contacted for guidance.

Compliance with Laws and Regulations. The College strives to comply with all laws and regulations that are applicable to its unique business. Although laws and regulations may sometimes be ambiguous and difficult to interpret, as a good community citizen, the College emphasizes good faith efforts to follow the spirit and intent of the law. If there is any question about any law or regulations, employees should seek advice from the Director of Human Resources.

Respect for Others. Every member of the College community deserves to be treated with respect and dignity. In your actions on behalf of the College, all members of the College community should treat others with courtesy, civility, and dignity and not abuse the power or authority of their offices or roles.

Accurate Reports and Communications. Each employee shall act in good

faith with due care to assure the full, fair, accurate, timely, and understandable disclosure in all reports or other communications made by the College. The College is committed to making and keeping books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the College's assets and, in that connection, has established the following guidelines for its employees.

1. No employee may make any false or misleading entry in the College's books and records.
2. No employee may create or aid in the creation of any undisclosed or unrecorded fund, asset, or liability for any purpose.
3. No employee may approve or make any payment with the agreement or understanding that any part of such payment is to be used for any purpose other than that described by the documents supporting the payment.
4. No employee may use the College's funds, assets, or liabilities for any unlawful purpose.
5. No employee may directly or indirectly take any action to coerce, manipulate, mislead, or fraudulently influence the College's auditors for the purpose of rendering the financial statements of the College materially misleading.

Employees must comply with all internal control procedures established by the College for the safeguarding of assets and proper reporting and disclosure of financial information. Employees must respond honestly and candidly when dealing with the College's independent and internal auditors, regulators and attorneys.

Responsible Conduct of Teaching and Research. As part of its educational and research mission, the College is devoted to the pursuit of knowledge and the respectful free exchange of ideas. The College is committed to achieving the highest standards of teaching and research and to conducting these activities with integrity, objectivity, fairness, and in compliance with all applicable laws and regulations. Members of the College community pursuing scientific and other academic research are expected to take this commitment seriously. This means that members of the College community must conduct their research with rigor, intellectual honesty, and be accountable for sponsors' funds. In the same ken, researchers must comply with specific grant and contract requirements as well as College policies and procedures regarding research. Researchers must comply with all federal and state regulations involving research, including the protection and welfare of human and animal research subjects, and obtain appropriate approval and consents for studies involving such subjects.

Discovery of Violations or the Code of Ethics or Illegal Activities. Discovery of events of a questionable, fraudulent, or illegal nature of which appear to be in violation of the Code must be promptly reported to the President and the Director of Human Resources. Failure to report such events also constitutes a violation of the Code.

9.2 Open Communication

The fair, prompt, and just treatment of all employee problems or complaints is of primary importance to the College. Open communication is a vital part of a successful organization. Providing an atmosphere conducive to open discussion among all employees regardless of position is encouraged at all levels. Whenever you have a concern, feel free to speak up and communicate directly with us. In that regard, you can take the following steps:

1. Talk to your immediate supervisor. Your supervisor is most familiar with you and your job and is, therefore, in the best position to assist you.
2. If your supervisor cannot help you resolve the matter or you do not feel comfortable talking with your supervisor about your concern or issue, you can speak to the Human Resources Director who will give your concern or issue prompt consideration.
3. If the Human Resources Director feels that the situation warrants further review, he or she will ask the President or another appropriate employee for assistance.

Remember – it is always best to try to resolve problems right away. Little problems tend to turn into big problems; facts become confused; resentment and anger builds up.

9.3 Conflicts of Interest

The primary principle underlying the College's conflicts of interest policies is that employees should avoid any circumstance or activity that might create a conflict of interest for the employee or the College. For instance, a conflict is deemed to exist when an employee gives, offers, or promises, directly or indirectly, anything of value to any person or representative of a firm, corporation, or government agency that sells or provides a service to, purchases from, or competes with the College, such as holding an ownership or financial interest in such an entity or otherwise accepting gifts, money, or services from such persons or entities. It is the policy of the College that employees must avoid personal transactions or situations in which their personal interest will conflict, or appear to conflict, with those of the College. This policy requires that all situations involving a conflict of interest or potential conflict to be disclosed. This will permit consideration of the circumstances and thereby relieve the employee of the College of possible criticism. Policy and procedures for the disclosure are also set out in the following sections. No employee may act on behalf of the College in any transaction involving persons or organizations with whom his or her family has any significant connection or financial interest.

Permitted Benefits. Gifts or favors given to College employees of nominal value (not to exceed \$250.00) are acceptable to the extent that they are appropriate and suitable under the circumstances, meet the standards of ethical business conduct, involve no element of concealment and do not violate applicable laws and regulations. Examples of circumstances in which the receipt of a gratuity would be permitted include:

- Reasonable business lunches and dinners
- Athletic or entertainment events at which a donor is present
- Holiday gifts of nominal amounts
- Gifts to family members

Examples of circumstances in which the receipt of gratuity would not be permitted include:

- Expensive gifts
- Weekend entertainment events (i.e. hunting or fishing trips, etc.)
- Scarce or expensive athletic or entertainment tickets

Disclosure. Each time any employee of this College receives anything of value or an offer of anything of value from anyone who does business with the College (other than those resulting from bona fide social or family relationships), in excess of \$250.00, such individual shall disclose the following in writing:

- The name of the person giving the gift;
- The nature of the gift;
- The estimated value of the gift; and
- The circumstances surrounding the receipt of the gift.

Employees must submit their disclosures to the Vice President for Fiscal Affairs. The CFO shall report all such disclosures of gifts or gift offers exceeding \$500 in value to President.

Penalties for Noncompliance. The receipt of anything of value in exchange for favorable treatment in connection with the extension of anything of value shall constitute grounds for immediate dismissal. The deliberate failure to disclose the receipt of gratuities shall constitute a violation of this policy and may be punishable by a warning, probation, or termination.

Corporate Hospitality to Public Officials. Acts of hospitality toward public officials should never be on such a scale or of such a nature as might tend to compromise or give the impression of compromising the integrity or the reputation of either the public official or the College. When appropriate hospitality is extended, it should be with the expectation that it will become a matter of public knowledge.

Dealing with Suppliers / Vendors. Staff members must award orders, contracts and commitments to suppliers of goods or services without favoritism. College business of this nature must be conducted strictly on the basis of merit.

Fair Competition. Under no circumstances should an employee enter into arrangements with competitors affecting pricing or marketing policies.

Service / Employment with Outside Organizations for Profit. An employee must notify the Vice President for Academic Affairs in writing should they become a director or an official of a business organized for profit.

Service with Civic and Charitable Organizations. The College encourages all employees to participate in civic, municipal, and charitable activities in their personal time. In some cases, it is improper for an employee to serve as a member, director, officer, or employee of a municipal corporation, agency, school board, or library board. Such service is only appropriate when adequate assurances are first given to the College that business relationships between the College and such entities would not be prohibited or limited because of statutory or administrative requirements regarding conflicts of interest.

Personal Fees and Commissions. No employee may accept personal fees or commissions in connection with any transactions on behalf of the College. The acceptance of payments from students for personal consulting or other professional services requires the prior approval of the Vice President for Fiscal Affairs.

Service in College Committees. There may be instances in which employees serve on various committees or within other recognized organizations within the College (*e.g.*, faculty grievances may be heard by the Faculty Grievance Committee). In all cases where a matter for consideration by a Committee creates a conflict of interest, or otherwise presents an actual or perceived conflict, the individual with the potential conflict should report same to the appropriate divisional Vice President for consideration.

9.4 Credit/Background Investigation

The College may conduct a pre-employment credit or background check on all applicants who are offered and who accept an offer of employment. Your employment with us may be conditional upon our review of the information in the credit / background check. The College reserves the right to conduct this credit / background check at any time after you have been employed. Remember, you have certain legal rights to discover and to dispute or explain any information prepared by the credit checking College.

9.5 Expense Reimbursement

You must have the Vice President for Fiscal Affairs' written authorization (requisition/purchase order, etc.) prior to incurring an expense on behalf of the College. To be reimbursed for all authorized expenses, you must submit an expense report and include original receipts. The Vice President for Fiscal Affairs must review and approve expenses before you incur them and before you submit them for reimbursement. Please submit your expense report within a week of incurring authorized reimbursable expenses. Employees traveling on College business are expected to maintain a high level of professionalism and follow all College policies and rules.

Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position but may be required. If you are asked to conduct College business

using your personal vehicle, you will be reimbursed at the standard rates published by the Internal Revenue Service. Please submit this expense on an expense report/voucher.

- **Hotel, Car Rental, and Air Travel.** The College will pay all pre-approved and business-related hotel, car rental, and air travel. However, when personal travel is combined with business travel, the employee will be reimbursed for only the business portion of the trip unless the trip was extended to receive a discounted fare by including a Saturday night. In no instance will the reimbursement exceed the amount of the savings. The College may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, reserve the least expensive fares, and stay in and eat at moderately priced establishments.
- **Meals.** The College will not pay for employee meals during normal working hours unless the employee is out of town overnight on College business, or there is a specific business purpose or discussion and proper managerial approval is obtained. Extravagant or lavish meals are the personal liability of the employee.
- **Corporate Credit Cards.** Certain regular, full-time employees may apply for a corporate credit card but must obtain prior, written approval from their supervisor using the Corporate Credit Card Application. To be eligible for a corporate credit card, an employee must travel frequently in the course of his or her duties, purchase significant volumes of goods and services for use by the employer, or incur other regular frequent business expenses of a kind appropriately paid by credit card. The corporate credit card cannot be used to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers for expenses other than those incurred by the assigned employee named on the card, or for personal expenses. Misuse of the card will result in cancellation of the card, withdrawal of corporate credit card privileges, and other discipline up to and including termination. If the card is used for an employee's personal expenses, the College reserves the right to recover these monies from the employee cardholder. Cardholders will be required to sign a declaration authorizing the College to recover, from their wages, any amount incorrectly claimed. Each card will be limited to a maximum of \$3,000.00. Increases to the established maximum may be made on a case-by-case basis by the Vice President for Fiscal Affairs. Cardholders must reconcile corporate credit card expenditures and submit the expenditures with original receipts to the Vice President for Fiscal Affairs within ten (10) business days of the statement date. Continued or repeated non-conformance to this policy will result in cancellation of the card and such other discipline up to and including termination. If the card expenditures are not reconciled and submitted within ten (10) business days of the statement date or a plausible explanation has not been received by Vice President for Fiscal Affairs for the reason for the delay, the employee's corporate credit card will be cancelled. Lost or stolen cards must be reported immediately to the Vice President for Fiscal Affairs.
- **Travel Time.** Time spent by non-exempt employees in traveling away from home on College business during normal working hours is considered compensable time for non-exempt pay purposes. Travel to and from work in the ordinary course of business

is not compensable time. If non-exempt employees are traveling on College business, they should record as time worked those hours that coincide with their regular working hours, even if traveling on a non-workday. A regular lunch period is also included as work hours. Travel hours are included when calculating overtime pay. If a non-exempt employee is traveling outside regular working hours, including the time the employee is a passenger in a plane, train, boat, or automobile, such hours are not counted as hours worked, unless the employee is actually performing work. If a non-exempt employee uses his/her own vehicle for travel assignments away from home, the time spent driving or the time that would have been spent on public transportation during regular working hours is counted as hours worked. A non-exempt employee who is riding with the driver is paid only for time that occurs within the passenger's regular working hours, unless the passenger is actually performing work outside the passenger's normal work hours.

9.6 First Aid and Safety

Federal law requires that we keep records of illnesses and accidents that occur during the workday. Various state and local laws also may address reporting illness or injury on the job, no matter how slight. If you hurt yourself or become ill, please contact your supervisor for assistance. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. OSHA also provides for your right to know about any health hazards that might be present on the job, and to report work-related injuries and illnesses free from retaliation.

In the course of our operations, hazardous materials and infectious wastes may be used or generated. You must comply with environmental and occupational laws and regulations and follow appropriate safety procedures. Federal and state laws regarding the promotion of environmental and occupational safety are designed to ensure that each of us works in a safe environment. If you become aware of or suspect an infringement of environmental or occupational safety laws or rules, you must immediately advise your department leader/ supervisor or contact the Compliance Officer.

General Safety Rules. Safety is the responsibility of every employee. All employees must exercise sound judgment and safe practices. Safety is to be given primary importance in every aspect of planning and performing all the College activities. As such, all employees are expected to comply with all laws, rules, policies, guidelines, and regulations regarding safety. Report any unsafe conditions or suspicious, unethical, or illegal conduct by co-workers, visitors, vendors, or other members of the campus to your manager. We want to protect you against work related injury and illness, as well as minimize the potential loss of production. Please report all injuries (no matter how slight) to your supervisor immediately, as well as anything that needs repair or is a safety hazard. Below are some general safety rules. Your supervisor or department head may post other safety procedures in your department or work area:

The College makes reasonable efforts to provide for the security of its campus. Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the College premises and while away from the

premises on business. Employees are expected to know and comply with the College's security procedures and should report any violations or potential problems to the Chief of Security. Violations of College's security rules or procedures will result in disciplinary action, up to and including termination. In addition, illegal acts committed by employees may be reported to law enforcement authorities. Among other things, all employees must comply with the following safety rules:

- Avoid overloading electrical outlets with too many appliances or machines.
- Use caution with flammable items, such as cleaning fluids.
- Walk – don't run.
- Use stairs one at a time.
- Report to your supervisor if you or a co-worker becomes ill or is injured.
- Ask for assistance when lifting heavy objects or moving heavy furniture.
- Follow all requirements of the campus's smoke-free policy.
- Keep cabinet doors and file and desk drawers closed when not in use.
- Do not burn candles.
- Sit firmly and squarely in chairs that roll or tilt.
- Wear or use appropriate safety equipment as required in your work.
- Do not participate in horseplay or practical jokes.
- Start work on any machine only after safety procedures and requirements have been explained (and you understand them).
- Keep your work area clean and orderly, and the aisles clear.
- Stack materials properly so they will not fall.
- Watch out for the safety of fellow employees.
- No sitting on desk furniture/tables.

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and may result in disciplinary action up to and including dismissal. Nothing in these rules, however, should be interpreted to restrict, chill, or otherwise interfere with your rights under OSHA. The College will not tolerate retaliation against any employee because she or he reports a suspected violation of this or any policy, rule, or law.

Exceptions / Compliance with Applicable Law. No exceptions to this policy will be made without the written authorization of the President of the College or his or her designee. In the event of a conflict between this policy and any applicable federal, state, or local law, this policy will be modified to the extent necessary to comply with such law.

No Expectation of Privacy. Employees may be searched, questioned, and subject to surveillance whenever the College believes this is necessary to maintain security. All personal property brought onto the College's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection as employees should not have any expectation of privacy in or on College premises or property (such as desks, drawers, closets, lockers, file cabinets, etc. Vehicles parked on campus property may also be subject to inspection. In addition, the College may inspect the contents of storage areas, file cabinets, desks, and workstations at any time and may

remove all College property and other items that are in violation of College rules and policies.

Removal from Property. Any person who engages in credible threats of violence, exhibits threatening behavior, or engages in violent acts on College property may be removed from the property, at the College's discretion in the interest of safety, and will remain off College property pending the outcome of an investigation. If the College determines that violations of this or other College policies have occurred, the College will take appropriate disciplinary action, up to and including termination of employment. Separate policies and standards relating to student conduct will govern, however, where students are involved. In all cases, however, security should be contacted, and safety will be at the forefront of the College's decision-making process. To that end, violent behaviors that pose immediate danger should be reported right away using emergency contact numbers such as 911 or to Campus Safety. Such information must also, as soon as practicable, be communicated to the Director of Human Resources. Please notify your manager immediately if you or a coworker are injured on the job. You must notify your manager immediately even if you believe the accident or injury was insignificant or caused no damage. You may be asked to complete an injury report.

Protective Orders. An employee who obtains a protective or restraining order from a court which covers College premises must provide a copy to his or her immediate supervisor and the Human Resources Department.

Violence in the Workplace. Workplace violence is strictly prohibited. "Violence" includes, but is not limited, to the following conduct:

- Violent or threatening physical contact (including fights, pushing/shoving, and physical intimidation)
- Sending threatening communications to others that are considered as true threats of assault or physical harm
- Displaying and/or brandishing weapons
- Stalking
- Excessive displays of anger (i.e., slamming doors, punching walls, throwing objects)

Every employee has a responsibility for maintaining the safety and security of the workplace. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on College property during work hours; while participating in any College function or activity; while engaging in College business; or while representing the College in any manner will not be tolerated.

Weapons in the Workplace. Except for law enforcement personnel or others who have express written permission from the College's President, the College prohibits all persons who enter the Campus from carrying a handgun, firearm, or weapon of any kind, regardless of whether the person is licensed to carry the weapon or if a license is not required. The definition of "weapons" includes ammunition, stun guns, bows, arrows, hunting knives, pellet guns, batons, blackjacks, brass knuckles, and explosives (including

fireworks). This prohibition applies to all College employees, visitors, vendors, students, and contractors. This policy extends to all College property, including without limitation all College-owned or College-leased buildings and surrounding areas such as sidewalks, walkways, and driveways under the College's ownership or control. College vehicles are covered by this policy at all times regardless of whether they are on College property.

All College employees are also prohibited from carrying a weapon while in the course of performing their job or any task on the College behalf, whether or not they are on the College property at the time and whether or not they are licensed to carry a weapon—the only exception being for persons who have been given prior written consent to carry a weapon while performing specific tasks on the College's behalf. This policy also prohibits weapons at any College-sponsored function such as a party or picnic.

The possession of weapons, including those identified above or those otherwise restricted by law (including hunting weapons) on College property, regardless of whether the person is licensed to carry the weapon, is strictly prohibited, except as specifically provided in the first paragraph of this policy. Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are not covered by this policy. If you have a question about whether an item is covered by this policy, please call your department leader/supervisor or the Human Resources Department. You are responsible for ensuring beforehand that any item you possess is not prohibited by this policy.

With respect to parking lots, while the College does not condone bringing firearms on its property, the College recognizes that Arkansas law allows employees to store firearms in their personal vehicles under the following circumstances (all of the following requirements must be met):

1. The employee has a valid concealed handgun carry license;
2. The employee lawfully possesses the handgun;
3. The employee stores the handgun out of sight inside the employee's locked vehicle in the College parking lot;
4. The employee stores the handgun inside a locked personal handgun storage container designed for the safe storage of a handgun; and
5. The employee possesses the key to the storage container.

The College reserves the right to prohibit employees from bringing a concealed handgun onto the College parking lot under the following circumstances, which constitute violations of this Policy:

1. The College reasonably believes that the employee is not in lawful possession of the handgun;
2. The employee is the subject of an active or pending disciplinary proceeding;
3. The employee is adjudicated mentally incompetent or not guilty in a legal proceeding by reason of mental disease or defect; or

4. As otherwise authorized by applicable law.

Failure to abide by all terms of this policy may result in disciplinary action up to and including termination. Further, carrying a weapon onto College property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from the property and possible prosecution. The College will contact law enforcement for assistance if necessary. This policy should not be interpreted to create any duty on the part of the College to take any actions beyond those currently required of an employer under existing law. For your own safety and for that of those around you, if you become aware of anyone violating this policy, please immediately report it to the Human Resources Department.

9.7 Smoking and Drug-Free Workplace

Smoke-Free Workplace. The College complies with all applicable federal, state, and local laws and regulations regarding smoking in the workplace and is committed to providing a work environment that promotes productivity and the well-being of its employees.

- a. The College recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted at all of its facilities.
- b. Smoking and the use of smokeless tobacco, including vaporizers and e-cigarettes, are prohibited inside all College facilities. The Human Resources Director is responsible for implementing and monitoring smoking regulations, and supervisors are expected to enforce the regulations.
- c. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy.
- d. The College does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off of the College's premises.
- e. Employees are encouraged to contact the Human Resources Department for information regarding the effects of smoking and the availability of smoking cessation programs.

Drug-Free Workplace. The College acknowledges that drug and alcohol abuse can pose serious threats of harm to our community. Moreover, the College has certain obligations under the Drug-Free Workplace Act of 1988, and—to that end—has developed the following policy to comply with the Act. The College is specifically required to:

- Publish a statement prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and specify the actions that will be taken against employees for violations.

- Distribute a copy of the policy statement to each employee engaged in the performance of a federal grant or contract.
- Notify each employee that compliance with the policy is a condition of employment on such grant or contract and that the employee must abide by the terms of the policy statement. The policy statement includes the requirement that the employee notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- Impose a sanction as required under this act on any employee who is so convicted.
- Establish a program of drug-free awareness, informing employees about the organization's policy of maintaining a drug-free workplace, the penalties that may be imposed upon employees for drug-abuse violations, the dangers of drug abuse in the workplace, and any available drug counseling, rehabilitation, and assistance programs.
- Make a good faith effort to continue to maintain a drug-free workplace through implementation of these requirements.

Policy. The College considers drug and alcohol abuse a serious matter that will not be tolerated. The College absolutely prohibits employees from using, selling, possessing, manufacturing, distributing, transferring, dispensing, or purchasing (or any attempt to perform these acts), or being under the influence of illegal drugs or a controlled substance or prescription drug not medically authorized while at their job, on College property, or while on work time.

The College also prohibits employees from using, selling, consuming or being under the influence of alcohol while at their job or on College property. Therefore, it is the College's policy that:

1. Employees shall not report to work under the influence of alcohol, illegal drugs, or any controlled substance or prescription drug not medically authorized.
2. Employees shall not possess or use illegal drugs any controlled substance or prescription drug not medically authorized while on College property or on College business.
3. Employees shall not consume alcohol on College property.
4. The College understands that in certain situations employees may ingest alcohol while conducting College business and/or on College time. Employees shall use care in the ingestion of alcohol and not do so in excess. Employees shall always comply State laws regarding the possession and use of alcohol.

A violation of this Policy will result in disciplinary action up to and including termination of employment.

The College also cautions against use of prescribed or over-the-counter medication that can affect an employee's ability to perform his or her job safely or the use of

prescribed or over-the-counter medication in a manner violating the recommended dosage or instructions from the doctor. Employees must have a valid prescription for any prescription medication used by employees while working for the College.

An employee in a position that may affect safety, *i.e.*, a safety sensitive position, is asked to please inform his/her supervisor prior to working awhile taking prescribed or over-the-counter medication that may affect his/her ability to perform the job safely, resulting in a direct threat to the employee or others. For the purposes of this Policy, a “direct threat” is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. If the College determines that the prescribed or over-the-counter medication does not pose a direct threat, the employee will be allowed to work. Failure to comply with these guidelines concerning prescription or over-the-counter medication may result in disciplinary action, up to and including termination of employment. The College reserves the right to contact an appropriate health care provider, to evaluate the situation and make a recommendation regarding the employee’s ability to continue working without posing a direct threat.

Definitions.

College premises: includes all buildings, offices, facilities, grounds, parking lots, lockers, and places, leased or managed by the College or on any site on which it is conducting business.

Drug paraphernalia: any unauthorized material or equipment or item used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing an illegal drug, as defined in this Policy, into the human body.

Illegal drug: a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)¹ It includes: 1) any illegal drugs that the federal or Arkansas government declares that employers may test for; 2) any legal drug, which is being used in a manner or for a purpose other than as prescribed or labeled, *i.e.*, it specifically includes the abuse of prescription and over-the-counter medication; 3) the possession of legal drugs which have not been legally obtained, *e.g.*, theft or borrowing from others; and 4) the use of substances that cause drug-like effects, but which may not necessarily be illegal under applicable laws, for

¹ Medical marijuana usage under the Arkansas Medical Marijuana Amendment (AMMA) is subject to Act 593 of 2017, which restricts employees in safety sensitive positions from performing those duties if a positive test result occurs. For positions that are safety sensitive as defined by Act 593, a positive test result constitutes a violation of this Policy, and appropriate action will be taken in accordance with this Policy. Likewise, if the College has a “good faith belief,” as defined by Act 593, that an employee is under the influence of marijuana or has ingested marijuana in the workplace or elsewhere during working hours—even if taken in accordance with the AMMA—that employee will be required to submit to a drug test for marijuana. For positions that are not safety sensitive as defined by Act 593, a “good faith belief,” as defined in the Act, accompanying a positive test result provides a reasonable basis to constitute a violation of this Policy, and appropriate action will be taken in accordance with this Policy.

a purpose other than their intended purpose, e.g., it specifically includes the inhalation of intoxicating substances such as nitrous oxide, glue, cleaning products, etc.

Medical Review Officer (MRO): a licensed physician, pharmacist, pharmacologist or similarly qualified individual, employed by or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's or applicant's positive test result in relation to his or her medical history or any other relevant biomedical information.

Refuse to cooperate: to obstruct the collection or testing process; to submit or attempt to submit an altered, adulterated, diluted, tampered with, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

Under the influence of alcohol: an alcohol concentration equal to or greater than 0.05, or changes in actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

Under the influence of drugs: a confirmed positive test result for illegal drug use per this Policy;² in addition, the misuse of legal drugs (prescription and possibly over the counter (OTC)) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment.

Work Rules.

1. Whenever employees are working, are operating any College vehicle, are present on College premises or are conducting College-related work offsite, they are prohibited from:
 - a. using, possessing, buying, selling, manufacturing, distributing, transferring, or dispensing an illegal drug (to include possession of drug paraphernalia), or any attempt to perform these acts; and/or
 - b. consuming and/or being under the influence of alcohol or an illegal drug as defined in this Policy.

² A positive test result for medical marijuana under Arkansas law means a result that comports with federal Department of Transportation standards or Arkansas DUI/DWI laws, whichever is lower. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing College business or while in a college facility, is prohibited.³
3. The College will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked. Containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing.

1. Post offer/Pre-employment: After an offer of employment is made and accepted, all applicants must submit to a drug test before beginning work. Refusal to submit to testing will result in withdrawal of the employment offer. A positive test result may result in withdrawal of the employment offer.⁴
2. Reasonable suspicion: Employees are subject to testing based on (but not limited to) observations by management of apparent workplace use, possession or impairment. The HR Director should be consulted before sending an employee for testing. All levels of management making this decision must have received training in the recognition of substance abuse symptoms relating to work performance and in handling these problems confidentially, progressively, and in a manner consistent with this Policy.
 - a. The employee's manager, plus an additional manager who has observed the behavior, will be required to document observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. Based on that documentation, and after review by Human Resources, if further action is justified, the employee's manager should consult privately with him or her, with the documentation, to determine the cause of the observed behavior.
 - b. Furthermore, the College may request employees to submit to a test when the College has a reason to believe that specific individuals, groups, shifts or those at an entire location or work area are suspected of using or possessing illegal drugs, alcohol, drug paraphernalia, or abusing or misusing legal drugs or when any of these items are found in an area controlled or used by designated employees.

³ Refer to note 2, above, for the definition of a positive test result for medical marijuana. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

⁴ Refer to note 2, above, for the definition of a positive test result for medical marijuana. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

2. Possession: The College may request an employee to submit to a test if the employee is found in possession of suspected illegal drugs, alcohol, or drug paraphernalia.
3. Random: All employees are subject to unannounced drug testing on a random basis. A percentage of employees may periodically be selected to undergo drug and alcohol screening. Each employee will have an equal chance of selection.
4. Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, the College may offer an employee who violates this Policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by management for a minimum of one year but not more than two (2) years, as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, he or she will be subject to immediate discharge from employment.

Consequences. Applicants who refuse to cooperate in a drug test will not be permitted to report to work and will not be allowed to reapply/retest in the future. Applicants who test positive may not be permitted to report to work and may not be allowed to reapply/retest in the future.⁵ Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, distribute, transfer, or dispense an illegal drug (or attempt to perform any of these acts) in violation of this Policy will be terminated. *If the employee refuses to be tested, yet management believes he or she is impaired, he/she will not be allowed to drive himself or herself home under any circumstance.*

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervisor and the Human Resources Director. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

An employee who tests positive for drug or alcohol use may be in violation of this Policy.⁶ The employee may be terminated or, depending upon the circumstances, issued a written disciplinary warning from the Human Resources Director and required to seek treatment in an approved program for alcohol and drug rehabilitation. The employee

⁵ Refer to note 2, above, for the definition of a positive test result for medical marijuana. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

⁶ Refer to note 2, above, for the definition of a positive test result for medical marijuana. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

must provide written verification of enrollment in a program within five (5) days after receiving positive results. Employees who refuse to participate in, or who do not satisfactorily complete a rehabilitation program, or who subsequently violate this Policy will be terminated from the College.

An employee who provides written verification of enrollment in a rehabilitation program will be required to submit to follow-up drug and/or alcohol testing, without prior notice. Such testing will be done at the discretion of the College and will occur over a minimum period of one (1) year, and a maximum period of two (2) years. If an employee tests positive for drug or alcohol use during this time, he/she will be terminated from employment immediately and notified of such termination in writing by Human Resources. The employee will be assisted with collecting his or her personal belongings and escorted from the facility.

An applicant or employee's admission to conduct or behavior which constitutes a violation of this Policy is considered the same as a violation. Therefore, it may result in disciplinary action up to and including immediate termination. Said decision regarding what actions may be taken is within the sole discretion of the College.

Confidentiality. Information and records relating to positive test results, drug and alcohol dependencies, and all information provided by the MRO should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant. Any employee that inappropriately discloses confidential medical information may be subject to discipline, up to and including termination of employment.

Inspections. The College reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs. The College prohibits all employees from purchasing, transferring, selling, manufacturing, distributing, dispensing, possessing or using an illegal drug (or attempting to perform these acts) in or on College premises or while conducting College business. Employees are also prohibited from misusing legally prescribed or OTC drugs. Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

The College does not desire to intrude into the private lives of its employees but recognizes that their off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the College reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off College premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an

illegal drug are required to report the conviction, plea or sentence to Human Resources within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the College.

Procedures

1. The employee will be advised that the College believes there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol and that testing is being offered to confirm or deny this suspicion. Alternatively, in the case of an accident requiring drug testing, the employee will be told that, due to the nature of the accident, the Policy mandates alcohol and drug testing.
2. The employee will be transported to any one of the College's contracted testing facilities (i.e., health services, prompt care or the emergency department). One member of management or a designated attendant will accompany the employee. *Under no circumstances will he/she be allowed to drive himself or herself to the testing facility.*
3. Prior to leaving for the testing facility, the supervisor/management will contact the testing facility to inform it that a staff member from the College will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving College premises.
5. The employee should be given reasonable time—not to exceed 15 minutes—to secure photo ID in the company of a College representative. The College representative should ensure the employee has the photo ID when leaving the College's premises.
6. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained.
7. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.
8. A College representative must sign as a witness to the collection procedure, along with the tested employee.
9. After returning to the worksite or when leaving the testing facility, the supervisor/manager must make arrangements to transport the tested employee home, unless testing results are immediate and those results are negative. Otherwise, the tested employee will not be allowed to drive himself or herself home under any circumstance.

Collection and Testing Procedures. Employees subject to alcohol testing

should provide the facility designated by the College a saliva or urine specimen. Specimens should be tested by trained technicians using federally approved testing devices capable of producing printed results that identify the employee. If an employee's blood or breath alcohol concentration is 0.05 or more, a second specimen should be tested. The results of the second test should be determinative. To clarify, alcohol tests may be conducted on a saliva or urine specimen, at the College's discretion. For purposes of this Policy, test results generated by law enforcement or medical providers may be considered by the College as valid.

Applicants and employees subject to drug testing should provide the facility designated by the College a urine specimen. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated, diluted, tampered with, or substitute specimens. Collected specimens should be sent to a federally certified laboratory and tested for evidence of marijuana,⁷ THC, hashish, hashish oil, cocaine, phencyclidine (PCP), phencyclidine analogs, opiates, amphetamines, amphetamine variants, benzodiazepines, methadone, methaqualone, barbiturates, and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory should screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage. The laboratory should transmit all positive drug test results to a medical review officer (MRO) retained by the College, who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the College until such time that the MRO has confirmed the test to be positive. To clarify, drug tests may be a conducted by using a urine, saliva or blood specimen, at the College's discretion.

Positive Test Results. Within five (5) working days after receipt of a positive confirmed test result from the testing laboratory, the College shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The College will also provide to the employee or job applicant, upon request, a copy of the test results.

Within five (5) working days after above described notice, the employee or job applicant may submit information to the College explaining or contesting the test results, to include a description of why the results do not constitute a violation of College policy.

If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the College, a written explanation as to why his/her explanation is unsatisfactory, along with the report of positive results, will be provided by

⁷ Refer to note 2, above, for the definition of a positive test result for medical marijuana. Refer to note 1, above, for the consequences of a positive test result for medical marijuana under the AMMA.

the College to the employee or job applicant and all such documentation will be kept by the College in a confidential manner, for a period of at least one (1) year.

Enforcement. Human Resources is responsible for Policy interpretation, administration and enforcement. The College will broadly interpret this Policy in a manner to achieve and maintain a drug-free workplace. This Policy may be amended as necessary to meet the requirements of federal, state, or local law. The College reserves the right to modify or amend this Policy with or without advance notice to employees.

Employee Assistance. The College provides its employees, and their immediate family members, with access to an Employee Assistance Program (EAP). The goals of this program are:

1. To retain valued employees;
2. To restore productivity through early identification of personal problems; and
3. To motivate employees to seek help with life management problems.

Employees who experience any personal problems may find the EAP to be an invaluable benefit of the College, and employees are encouraged to voluntarily seek counseling and information on a confidential basis by contacting an EAP whenever life's challenges prove difficult to handle. There also may be occasions when employees are referred to the EAP where the employee's work performance has declined or in the event of an on-the-job incident that indicates a possible life management problem. In the event of drug or alcohol-related problems, completion of the EAP program may be required in order to continue employment with the College.

9.8 Parking Lots

Each location will have a designated area for employee parking. Please only park in those designated areas. The College accepts no responsibility for theft or damage to any vehicles in its parking areas.

9.9 Personal Property

Due to the nature of our insurance coverage, under no circumstances are you allowed to store personal property on College property where damage or fire could result. Please understand that the College cannot and does not assume any responsibility for loss or damage to personal property of any employee.

9.10 Protection and Proper Use of College Assets

All employees must protect the College's assets and ensure their efficient use. Except for incidental personal use, College assets should be dedicated to legitimate College business only. Expense accounts should be used only for College business in accordance with College guidelines. Intentional use of corporate credit cards for personal purposes is prohibited.

9.11 Relatives

We hire people based on their qualifications for the job. To make sure this standard is always upheld, and to maintain the integrity of our business operations, we have certain restrictions on when and where relatives of employees can be hired and how related employees can work together. For the purpose of this policy, "immediate family" includes: the employee's spouse, brother, sister, father, mother, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandchild, and any other member of the employee's household. The decision whether to hire a member of an employee's immediate family must also have the approval of the President.

9.12 Theft

Internal theft is a serious concern for the College. Although taking small items from the College many seem inconsequential, the cumulative effect can be very large. Stealing from the College is like stealing from yourself. Losses from theft immediately affect our ability to increase salaries and can jeopardize the profitability of the College. Property theft of any type will not be tolerated by the College. We consider property theft to be the unauthorized use of College services, resources, or facilities or the taking of any College property for personal use. The following list of examples is not all-inclusive but provides illustrations of several activities which are unacceptable.

Use of Computers. The College's computers (the computers in the office, or laptops made available for work away from the office) are for business purposes and should be treated and handled with care. Use of College computers for non-business purposes should be avoided.

Taking of College Property. No item purchased or supplied by the College should ever be removed from College premises without express authorization of your immediate supervisor. This rule applies to all College property including computers, and even pens and paper. All employees may be subject to random searches as they leave College facilities. A checkout procedure may be used, and if you fail to return any item removed on schedule, the value of the items will be charged against your paycheck and you may be subject to disciplinary action for theft.

Unauthorized possession or removal of College property is a very serious offense. Employees violating this Policy will be subjected to discipline up to and including dismissal and prosecution.

9.13 Return of College Property Upon Separation

All College property must be returned to your supervisor before leaving employment with the College or whenever it is requested by your supervisor or a member of management. This includes any credit cards, keys, employee handbooks, and any College equipment or property in your possession. We require that arrangements be made concerning any outstanding debts owed to the College, or to you, such as travel advances, mileage, etc., before the last day of work. You are responsible to pay for any lost or damaged items. The value of any property issued and not returned may be deducted from your paycheck, and you may be required to sign a wage deduction authorization for this purpose.

CHAPTER TEN: EMPLOYMENT CLASSIFICATIONS AND PAY PROCEDURES

10.1 Exempt Employees

If you are an exempt employee, you receive a salary that is intended to compensate you for all hours that you may work for the College. Therefore, you are not eligible to receive overtime pay, and you are not eligible for “compensatory time off,” as such time off is not available in the private sector. Rather, the salary each exempt employee receives will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

A normal workweek for exempt employees is forty (40) hours, however, exempt employees are frequently required to work more than forty (40) hours per week. Work schedules are subject to change depending on the College’s needs. If you are exempt, you will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, since we have a sick day pay plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental, or life insurance premiums; state, federal, or local taxes, social security; or voluntary contributions to a 401(k) or pension plan. If you believe that the College has made improper deductions, the following procedure applies:

1. The employee should report the alleged deduction to the Human Resources Department or supervisor.
2. Each complaint will be investigated, and a determination concerning the deduction will be made.
3. If the College determines that the deduction was not permitted, the employee will be promptly reimbursed.

The College will make a good-faith effort to comply with the provisions of the FLSA and any other applicable federal or state law.

Please note: Although exempt employees do not keep timesheets of all hours

worked, exempt employees are required to report absences away from work each week (for paid time off or other leave) to the Human Resources Department. You will be required to use accrued vacation, sick, or other forms of paid time off for full or partial day absences for personal reasons, sickness, or disability. However, your salary will not be reduced for partial day absences if you do not have accrued paid time off.

10.2 Pay Frequency

The College pays employees on a semi-monthly basis on the 15th and last working days of the month through direct deposit into the employee's bank account. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday. Every effort is made to avoid errors in your paycheck. If you believe an error has been made, tell your supervisor immediately. He or she will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly.

10.3 Deductions from Paycheck

The College is required by law to make certain deductions from your paycheck each time one is prepared. Among these are state and federal taxes, including contributions to Social Security and Medicare as required by law. These deductions will be itemized on your check stub. The amount of the deductions depends on your earnings and on the information you furnish on your W-4 form regarding the number of dependents/exemptions you claim. No changes will be made pertaining to tax withholding information without prior written authorization of the employee. The W-2 form you receive for each year indicates precisely how much of your earnings were deducted for these purposes. Keep your records up to date. Any other mandatory deductions to be made from your paycheck, such as court-ordered attachments, will be explained whenever the College is ordered to make such deductions. The Human Resources Director is the only person authorized to receive an order of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Human Resources Department will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law. No employee will be terminated because his or her earnings have been garnished for one indebtedness.

If you have questions about deductions from your pay, please contact the Human Resources Department. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt reply within three business days), you should immediately contact the Human Resources Department. Every report will be fully investigated, and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

10.4 Nursing Mothers

Consistent with state and federal law, the College provides employee nursing mothers reasonable unpaid break time (“lactation breaks”), as well as a space that is shielded from view and free from intrusion, in order to express breast milk. An employee who is a nursing mother may request reasonable lactation breaks during work hours for the purpose of expressing breast milk for her nursing child for one year after the child’s birth. The employee may schedule lactation break times when she needs them. Supervisors/managers and employees will work together to establish reasonable, flexible, and mutually agreeable times each day that do not unduly disrupt normal work activities.

10.5 FLSA Status and Pay Procedures Policy

It is a violation of the College’s policy for any employee to falsify a timesheet or other time or leave record, or to alter another employee’s timesheet. It is also a serious violation of College policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee’s timesheet to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee’s time records to inaccurately or falsely report that employee’s hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department. In addition, the College will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the College’s investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge. Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their supervisor or with the Human Resources Department.

CHAPTER ELEVEN: INFORMATION SECURITY

The following policies that relate to the College’s information technology resources are for summary purposes, and do not contain all of the Information Technology Department’s policies with respect to Appropriate Use (ITAUP). All employees should review the ITAUP prior to accessing any technology resources of the College.

11.1 COMMUNICATION SYSTEMS

It is the policy of the College to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business. “Communications Services and Equipment” include, among other things, mail, electronic mail (“email”), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, telex systems, video equipment and tapes, digital voice recorders and recordings, pagers, cellular phones, smart phones, personal digital assistants, tablets, voice mail and bulletin boards. Supervisors are responsible for instructing employees on the proper use of the Communications Services and Equipment used by the organization for both internal and external business communications. There is no expectation of privacy in the workplace with respect to the College’s

Communications Services and Equipment given our need to continuously monitor system performance and security consistent with legitimate management prerogatives. Separate standards, set forth below, apply to confidential student information.

Most Communications Services and Equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.

All College Communications Services and Equipment, including the messages transmitted or stored by them, are the sole property of the College. The College may access and monitor employee communications and files as it considers appropriate. On-line services and the Internet may be accessed only by employees specifically authorized by the College. Authorized employees must disclose all passwords used to access College Communications Services and Equipment to the College and their supervisors but should not share the passwords with other employees. Employees' on-line use should be limited to work-related activities during working time. In addition, employees should not duplicate or download from the Internet or from an email any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission from the owner of the material. When appropriate Internet material or email files are downloaded, they should be scanned using the College's antivirus software.

Employees must follow the College's confidentiality policies with respect to the use of email, facsimiles, instant messaging services, cellular phones, social media, or any other communication system to communicate confidential, proprietary, or trade secret information. In addition, email generally should not be saved for more than 30 days unless required as part of the College's record retention policy.

College communications property or equipment may not be removed from the premises without authorization from the employee's supervisor. Employees should not use College Communications Services and Equipment to send out any mass communications to employees without the approval of their supervisor during working time. Employees should ensure that no personal correspondence appears to be an official communication of the College since employees may be perceived as representatives of the College and, therefore, damage or create liability for the College. All outgoing messages sent in the scope of College business, whether by mail, facsimile, email, Internet transmission, or any other means, must be accurate and appropriate. Additionally, employees must respect all copyright and other intellectual property laws in the course of their employment. For the College's protection as well as your own, it is critical that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including the College's own copyrights, trademarks, and brands. To minimize the risk of a copyright violation, you should provide references to the source(s) of information you use and accurately cite copyrighted works you identify in your online communications.

Improper use of College Communications Services and Equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other College policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, or electronically retrieved or transmitted communications.

11.2 Confidential and Proprietary Information

Confidentiality is a fundamental principle of the medical profession. The principle is equally applicable to non-public information concerning the College and to similar information received by the College from a supplier for an express business purpose. Importantly, nothing in this policy will be interpreted to limit or interfere with your rights under Section 7 of the National Labor Relations Act. The principle applies with equal force to informal as well as formal communications. This obligation of confidentiality is not extinguished by termination of employment.

Protecting Confidential and Proprietary Information. It is important for all of us to protect the tangible and intangible assets of the College. During your employment with the College, you may become aware of confidential information belonging to the College or its students, and in connection with your employment, you may make use of or be exposed to certain confidential and/or proprietary information or trade secrets of the College. Such confidential information represents a unique and valuable asset of the College.

Confidential and proprietary information (“Proprietary Information”) means and includes any information that could provide an advantage or benefit to a competitor of the College or harm the College if disclosed to such competitor, including any data or information not reasonably known outside the College, whether prepared or developed by or for the College or otherwise developed or received by the College under such circumstances that warrant classification as Proprietary Information. Proprietary Information specifically includes, but is not limited to, information covered by the Arkansas Trade Secrets laws, Arkansas privacy laws, data, figures, donor or potential donor information, lists or files, figures, estimates, certain personnel records, accounting procedures, building plans, promotions, price lists, profit information, cost information, financial information of the College, manner of operations, plans, processes, projections, and any data and information providing the basis therefore, and business method (including manufacturers, production, marketing, distribution and product specifications), internal memoranda, and management reports compiled or maintained by the College in any form protected form. Specifically, client/donor relationships are Proprietary Information. Confidential sensitive information, such as pricing, submitted to and maintained by the College in connection with the purchasing of equipment, supplies, and services, must be maintained in strictest confidence, in order to avoid giving or removing any competitive advantage with respect to any of several suppliers. Disclosure of such information will be considered a violation of the College’s policy even if the College appears to be benefiting from such disclosure.

Employees may not use the Proprietary Information except in connection with the performance of employment. Moreover, discussions regarding confidential information/matters with non-the College personnel are prohibited. Please also be sure to secure all proprietary and confidential information safely when you are away from your work area. **This obligation of confidentiality is not extinguished by termination of employment.**

Precautions to Safeguard Confidential and Proprietary Information.

Employees who have contact with and access to confidential and proprietary information concerning the College and its products or services and not generally known by persons outside the College must take precautions to keep such information confidential. Confidential information shall not be stored on employee-owned electronic devices. Confidential information should never be sent to external parties not authorized to receive such information, or to the College employees who have no authorized business reason for such information. Unauthorized disclosure could jeopardize the value of the information to the College and give unfair advantage to others. Responsibility to keep information confidential continues even after employment with the College ends. The following guidelines are intended to provide general information regarding this policy but are not intended to serve as an exhaustive list.

Guidelines

- Confidential information must never be discussed, released, or removed from the College premises, copied, transmitted, or in any other way used by employees for any purpose outside the scope of their employment or revealed to non-the College persons without the written authorization from his or her manager. Revealing proprietary or confidential College information, employee information or intellectual property without authorization is prohibited.
- Requests for employees to represent the College by making speeches, writing articles for publication, making comments to the press, or appearing on radio or television as a representative of the College on matters relating to its business must be referred, in advance, to the President for approval.
- The College strives to anticipate and manage crisis situations in order to reduce disruption to our employees and to maintain our reputation as a high-quality College. To best serve these objectives, the College will respond to the news media in a timely and professional manner only through the designated spokespersons. It is imperative that one person speaks for the College to deliver an appropriate message and to avoid giving misinformation in any media, government, or other inquiry. Accordingly, if you receive an inquiry from the press, a government agency, or other organization, every employee is expected to indicate that he or she is not authorized to comment for the College and encouraged to refer the matter to your manager. You may of course speak with the press should you choose, but if the scope of your proposed communication pertains to the College, you should notify the College immediately. At no point shall proprietary or confidential information be released unless authorized by the College.

- Requests by regulatory or government agencies for information other than that required for should be referred to the Director of Human Resources and to the President.
- Using College electronic resources or communications systems in any manner that would infringe or violate the proprietary rights of third parties is prohibited. Employees may not use or distribute material that is protected by copyright, trademark, patent, and/or trade secret law without prior written permission. This includes material owned by the College as well as material owned by third parties, such as material downloaded from the Internet or received by email.

11.3 Protecting Student Privacy

The Family Educational Rights and Privacy Act (FERPA) also known as the Buckley Amendment, passed by Congress in 1974, grants four specific rights to students:

- The right to inspect and review their educational records;
- The right to request the amendment of inaccurate or otherwise inappropriate records;
- The right to consent to disclosure of his or her public records; and
- The right to file a complaint with the Family Compliance Office in the United States' Department of Education, concerning alleged failure by the College to comply with the requirements of FERPA.

Students are granted rights under FERPA if they are currently attending the College or have been in attendance, regardless whether in a credit, no-credit, degree or non-degree credit program. FERPA does not apply to applicants of the College who have been admitted but who have not actually been in attendance.

Education Records. An education record is any information that is directly related to a student and maintained by a college or university and by agents acting directly for the College. Records are treated the same no matter what medium (handwritten, email, print, digital, etc.) that are in the possession of any school official. Some examples of education records include:

- Personal information
- Employment records (where student status is a prerequisite of employment)
- Grades
- Class schedules
- Printed class lists
- Graded test papers with personally identifiable information related to the individual student

Exceptions: Education Records Do NOT Include:

- Records in the "sole possession of the maker that are not accessible to other personnel"
- Law enforcement or campus security records created and maintained by the law enforcement unit and used for law enforcement purposes
- Employment records
- Medical/psychological treatment records
- Alumni records (those created after the student graduated or left the institution)

Record of Requests. The College will maintain a record of the requests for and disclosure of personally identifiable information from the educational record of the student. The record of requests will state the names of the parties who have requested or obtained personally identifiable information, and the legitimate interest of the party in requesting or obtaining that information. This record of requests and disclosures will be maintained by the office that maintains the educational record and may be inspected by the student under the same procedures by which the record itself may be inspected.

Exceptions to this are:

- Requests for and disclosure of directory information
- Requests and disclosure to persons described in the College Policies Affecting Students
- Disclosure of information to contractors with a signed MOU (Memorandum of Understanding), doing work for the College that the College would otherwise do itself.

Administration of Requests. All external requests for student data under this policy will be coordinated through the Office of the Registrar. Collegiate/departmental staff may comply with informal requests to review and inspect education records, provided the individual is authorized and has an "academic need to know". Examples of forms will be available via the Registrars' website for record requests and disclosures. These must be recorded and maintained with the record under the Act.

Administrator's Role. The College's employees or "College Officials" are to act in accordance with FERPA regulations whenever representing the College. A College Official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including Public Safety personnel); a person or College with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Employees may only access and use education records as necessary to conduct official College business. A College Official exercises "legitimate educational interest" (interests essential to the general process of higher education, including teaching, research, public service, and directly supportive activities such as academic advising, general counseling, therapeutic counseling, discipline, vocational counseling and job placement, financial assistance and advisement, medical services, academic assistance activities, and co-curricular activities including varsity and

intramural sports, social fraternities, specific interest clubs, and student government), if the official needs to review an education record in order to perform his or her professional responsibilities. You are responsible for protecting the student information in your possession. These are guidelines to follow when acting as a College Official: Individual directory information may be released without written consent, except when the student has completed a written request to withhold information and submitted same to the Registrar's office.

Directory Information. Directory information consists of information that is generally not considered harmful or an invasion of privacy if publicly available. Directory Information is considered public and may be released without the student's written permission, however, cannot be released if the student has restricted access.

- Directory Information CANNOT include: race, gender, SSN (or part of the SSN), grades, GPA, country of citizenship, or religion. Except in very specific circumstances, a student ID number also cannot be considered directory information.
- Every student must be given the opportunity to "opt out" or have directory information suppressed from public release.
- A "no release" does NOT mean that a school official within the institution who has a demonstrated legitimate educational interest cannot access the information.

Directory Information includes:

1. Name
2. Local Address
3. Local Telephone number
4. Permanent/Home Address
5. Hometown and state
6. E-mail address
7. College ID
8. Programs of study (field(s) of study and degree objective being sought)
9. College(s) enrolled in
10. Dates of attendance, (including current classification or year)
11. Full-time/part-time enrollment status
12. Registration in a study abroad program
13. Degrees, certificates, honors, scholarships, and awards received and date awarded as well as those applied for during the current academic term
14. Information about participation in officially recognized activities and sports
15. Job title, employing department, work phone number, and work address when employed in a position that requires student status

Students can restrict either their directory information (items 2 through 6 above), their academic information (items 7 through 11 above), or both. This is accomplished by

a student submitting a signed written request to the Office of the Registrar,

Please note the Office of the Registrar will process requests to restrict the release of directory information. However, note some information already published/released may not be retractable with respect to a student's change in restriction status. A request to restrict directory information will remain in effect until revoked by the student in writing. The College Officials (President, Dean of Students, Registrar, Provost) may release non-directory information to a third party in the case of an emergency when knowledge of information is necessary to protect the health or safety of students or other persons. Information must not be released to third parties outside of the College, including parents of students, without the student's written consent.

Non-Directory Information. Non-directory information may not be released. If information is needed to help resolve an emergency situation, please refer these cases to the Registrar's Office. Under FERPA, students have the right to inspect and review most education records maintained about them by the College, and, in many cases, decide if a third party can obtain information from them. Sixteen categories of information, however, are public, or directory, information unless a student specifically requests in writing that some or all of that information be withheld. This may be done by the student via a written request to the Office of the Registrar. The request will be effective as long as the student is enrolled at the College unless the restriction is removed by the student. Former students may restrict address and telephone information.

College Officials Releasing Information without Prior Consent. The College Officials may release information without a student's prior written consent to the following groups:

- The College faculty and staff with legitimate educational interest
- Representatives of agencies or organizations from which the student has received financial aid, including banks and other lending agencies
- Officials from other educational institutions in which a student intends to enroll
- Individuals or groups specifically exempted from the prior consent requirement
- Federal and state officials, organizations conducting studies on behalf of the College and accrediting organizations

Adopt the rule "When in Doubt Don't Give It Out!" If you are unsure who is entitled to access certain student information, or other records questions please contact the Office of the Registrar.

Parental Rights. The rights under FERPA transfer from the parents to the student, once the student turns 18 years old or enters a postsecondary institution at any age. The right to inspect is limited solely to the student. The institution may disclose information to parents/legal guardians of a student under the following conditions:

- The student has created a “consent to release academic data” or has submitted a signed consent form stating what, when, for how long, and to whom data is to be released.
- There is an emergency situation, and knowledge of information is necessary to protect the health or safety of students or other persons. (Refer these requests to the Dean of Students or the Registrar.)

All requests for student record information for a deceased student must go through the Office of the Registrar.

Staff and Faculty Reminders. To avoid violations of FERPA rules, **DO NOT:**

- at any time use any part of the Social Security Number or Student ID in a public posting of grades or ever link the name of a student with that student's social security number in any public manner.
- leave graded tests in a stack for students to pick up by sorting through the papers of all students.
- circulate a printed class list with the student, social security number, student ID, or grades as an attendance roster.
- discuss the progress of any student with anyone other than the student (including parents) without the consent of the student.

"Statements made by a recommender which are made from the recommender's personal observation or knowledge do not require a written release from the student who is the subject of the recommendation. However, if personally identifiable information from the student's educational record is included in a letter of recommendation (grades, GPA, etc.), the writer is required to obtain a signed release from the student(s) which 1) specifies the records that may be disclosed, 2) states the purpose of the disclosure, and 3) identifies the party or class of parties to whom the disclosure can be made." You may not release lists of students enrolled in your class(es) to anyone without a legitimate educational need to know. Do not provide anyone with student schedules or assist anyone other than the College employees in finding a student on campus.

Technology Use and FERPA. In our current educational environment where the use of technologies is widespread, it is important that we continue to work in accordance with FERPA regulations to the fullest extent. With new technologies however, additional issues arise about secure transmission of confidential information.

Faxed requests for transcripts, including the student's signature, or a scanned document attached to an e-mail message authorizing release of a transcript, are acceptable methods of providing the written permission required to release such information. Faculty and staff utilizing e-mail correspondence with more than one student are responsible for restricting access to a student's e-mail address if the student has requested non-disclosure of directory information. In 2009, FERPA was modified to state that a student may not be anonymous in a class even if they have restricted their data. The sharing of this information with other members of the class is at the instructor's discretion, provided it is deemed appropriate for the success of the class. Students participating in such classes should be notified of this. An example of this might be the

need to share email addresses in order to facilitate classroom interactions/discussions.

Passwords allowing access to non-directory student information should not be shared and must be protected from unauthorized disclosure. Electronic student records must be protected from unauthorized access. Disposal of electronic or paper records should be done in a secure manner.

Verification Requests. FERPA does not preclude an institution from disclosing non-directory information from a student's record to the student over the phone. The College is, however, responsible for implementing the necessary procedures to verify the individual's identity before any information is released. Below is a list of sample questions that can be asked in any combination by the College officials to verify a student's identity, prior to releasing any information to a student over the phone:

- student/campus
- identification number
- full name including middle name
- date of birth
- place of birth
- parent name and address
- high school attended
- major or program of study
- student program level
- recent courses taken
- current enrollment adviser's name
- year of first attendance

You do not need to ask all of these questions to verify the student's identity. A random selection of questions from a pool of questions makes it more difficult for an imposter. If you have questions regarding the provisions of FERPA, please contact the Registrar's office. The College's policy is to comply fully and fairly with the provisions of FERPA and the regulations adopted at the College. Any violation of FERPA may result in disciplinary action, up to and including termination.

**APPENDIX A: PHILANDER SMITH COLLEGE FACULTY SENATE
CONSTITUTION**

PREAMBLE

Philander Smith College embraces the concept of shared governance as a process of providing meaningful access and input into decision-making in all major components of the college. Philander Smith College encourages a spirit of collegiality and shared decision-making, enabling the college to be inclusive, effective, and efficient. In accord with the college's policy of shared governance, the faculty Senate meets monthly during the academic year to consider matters affecting the academic welfare of the institution, to formulate positions and determine appropriate responses, and to generate information to be shared with faculty and administrative bodies. The Faculty Senate is charged with reviewing college policies in all areas that affect the academic functioning of the college. The Faculty Senate will consider all matters which affect the morale and working efficiency of the faculty.

**ARTICLE I
Eligibility and Membership**

A. The Faculty Senate shall be comprised of all regular, full-time, non-tenure, tenure-track, and tenured faculty, including professional librarians, excluding those serving more than half-time in administrative capacities. Regular full-time, tenure-track faculty are those faculty who hold full-time positions, who hold academic rank, and who are assigned to a tenure-track position within an academic division.

B. The Vice President for Academic Affairs or his or her designee shall serve as a non-voting member of the Faculty Senate.

C. Part-time faculty may attend Senate meetings but will have no voting privileges and may not serve as officers of the Faculty Senate.

**ARTICLE II
Powers and Functions of the Faculty Senate**

The Faculty Senate of Philander Smith College is charged with the following responsibilities:

1. Determining standards for admission, promotion, and graduation of students;
2. Determining the courses of study and methods of instruction and proposing needed modifications in the rules for academic operations;
3. Recommending candidates for graduation to the Board of Trustees;
4. Submitting reports during and at the end of each academic term as required by college administration;
5. Reviewing and approving or disapproving policy proposals pertinent to the academic function of the college. These proposals may include but are not limited to: changes in academic programs and standards, changes in graduation requirements, new degree programs, new major

or academic programs, elimination of existing degrees or major programs (except in cases where a governing body such as the Arkansas Department of Education has mandated such an elimination), creation of new academic departments, and recommending changes to the Faculty Handbook. Decisions made by the Faculty Senate are subject to the oversight of the Vice-President for Academic Affairs, the College President, and the Board of Trustees;

6. Coordinating the selection of Faculty Senate members for standing committees;
7. Proposing means for more effective utilization of resources for instruction;
8. Establishing such short-term and/or task specific committees (ad-hoc) as may be necessary to carry out its functions;
9. Providing a forum for the free expression of faculty opinion without fear of reprisal from administration or division chairs;
10. Advising administration regarding standards and procedures for faculty evaluations;
11. Working to promote and maintain academic freedom.

ARTICLE III Officers of the Faculty Senate

The officers of the Faculty Senate shall be a president, a vice-president, a secretary, a parliamentarian, and a faculty representative to the Board of Trustees, who shall be elected annually by the Faculty Senate membership. There shall be no limit on the number of terms a member of the Faculty Senate may hold office, however, no officer, with the exception of Secretary, may serve more than two consecutive terms in the same office. Officers of the Faculty Senate will serve from April until the installation of new officers occurring at the next annual April meeting of the Senate.

A. The **President** of the faculty Senate shall serve as the chief speaker for the faculty and as the faculty representative on the College President's Executive Council. The President of the Faculty Senate will serve as the presiding officer for all Senate meetings.

B. The **Vice-President** of the Faculty Senate will serve as President in the case of absence or incapacity of the President of the Faculty Senate. The Vice-President is also responsible for making sure that committees meet and, when possible, shall attend all faculty committee meetings.

C. The **Secretary** of the Faculty Senate shall notify the faculty of the dates of Faculty Senate meetings at least two weeks prior to each meeting. The Secretary is responsible for keeping the minutes of each Faculty Senate meeting, distributing agendas and the previous meeting's minutes as well as any other pertinent materials, and compiling a record of attendance for each meeting of the faculty Senate.

D. The **Parliamentarian** of the faculty Senate shall advise members on procedural questions for each meeting. Meetings of the Faculty Senate are conducted under the revised *Robert's Rules of Order*. Decisions that are made as a matter of policy will be put in writing

by the Parliamentarian and disseminated to all concerned parties. The Parliamentarian shall also determine at all meetings if a quorum is present to conduct business.

E. The **Faculty Representative to the Board of Trustees** shall represent the interests of the faculty to the Board of Trustees and shall serve as a non-voting Board member. The Faculty Representative shall be prepared to report to the Board of Trustees on issues before the Faculty Senate. The Representative shall also be prepared to make a full report to the Faculty Senate after each meeting of the Board of Trustees.

F. An Executive Committee shall be established, consisting of the officers of the Faculty Senate. The Executive Committee will arrange meeting times and agendas for the Faculty Senate and shall appoint members to the standing committees as well as any ad-hoc committees which may be needed. The President of the Faculty Senate shall serve as chair of the Executive Committee.

G. The Faculty Senate shall authorize the President of the Faculty Senate with the Executive Committee to appoint faculty members who meet the requirements under Article I, Section A to fulfill the term of the vacant office until the regular election is held as specified in Article V, Section B.

ARTICLE IV Meetings and Procedures

A. **Voting Rights.** Each faculty member who meets the requirements under Article I, section A, has the right to vote on any matter brought before the Faculty Senate.

B. The quorum necessary for the transaction of business by the Faculty Senate shall be one third of the eligible voting members.

C. Actions of the Faculty Senate require a simple majority vote either by voice or by show of hands.

D. The revised ***Robert's Rules of Order*** is the authority for Faculty Senate meetings. Rules governing Faculty Senate meetings may be amended by two-thirds vote of the quorum present at any regular meeting provided that written copies of the amendment have been distributed at the beginning of the meeting.

E. Meetings of the Faculty Senate will be held once a month throughout the academic year. Special meetings can be called by the Executive Committee should the need arise. Any requests for special meetings of the Faculty Senate should be made to the Executive Committee by written petition. Notice should be made to the faculty at least forty-eight hours in advance of any meeting called under this provision, and the notice must include a statement of the issue to be considered.

F. During the course of the summer, the Executive Committee shall be empowered to act provisionally on an emergency basis on behalf of the faculty Senate, subject to the approval of the full faculty Senate when it reconvenes.

G. Meetings of the Faculty Senate are open to the college community. Speaking privileges before the Faculty Senate are granted to anyone recognized by the faculty Senate President, or whose right to speak is supported by a majority of the members present. The

President of the College, the President of the Student Government Association, and the Vice-President of Academic Affairs shall have the right to address the faculty Senate.

H. Minutes of all meetings of the Faculty Senate will be distributed to all members, to the College President, to the Secretary of the Board of Trustees, and to the President of the SGA by the Secretary of the Faculty Senate.

I. Decisions made by the Faculty Senate shall be final when approved by the President of the College and the Board of Trustees of Philander Smith College. The President of the College shall have the right to non-concur with any action of the Faculty Senate. However, in exercising this right, the College President shall state the reasons for non-concurrence in a letter to the Secretary of the faculty Senate. The Board of Trustees shall then be notified of the action of the faculty Senate and the non-concurrence of the President of the College, along with the stated reasons of the President. A final determination of the matter shall be made by the Board of Trustees, and until such time, the Faculty Senate shall adhere to its own action.

ARTICLE V Elections

A. The Faculty Senate shall establish a standing Electoral Committee to supervise elections of officers. The Electoral Committee shall be comprised of representatives from various academic divisions and may not include any serving officer of the Faculty Senate.

B. Elections of Faculty Senate officers will be held annually in April.

C. In March every year, the Electoral Committee shall distribute a call for nominations at least four weeks in advance of the election. Each eligible voter may nominate candidates for the following office: President, Vice President, Secretary, Parliamentarian, and Faculty Representative to the Board. The nominations will close on March 31 of each year, and the Chair of the Electoral Committee shall present the final ballot to the eligible voters by March 31st.

D. In the third week of April, the ballot will be anonymously distributed through an electronic online system. The Electoral Committee shall then record the ballots and election results. The day following the election, the results will be announced to the Faculty Senate. New officers shall be installed immediately after the announcement of the election results.

ARTICLE VI Amendments

From time to time, it may be desirable to amend the Faculty Senate Constitution. Amendments to the Constitution can be proposed by any eligible Faculty Senate member as defined by Article I, A.

Amendments to the Faculty Senate Constitution require a two-thirds vote of the Faculty Senate members present at the meeting provided there is a quorum present. Upon passage, any and all amendments will be added to the Constitution under Article VI.

APPENDIX B: CABINETS, COUNCILS, AND STANDING COMMITTEES

The College's standing committees are determined jointly by the President of the College, the President's Executive Cabinet, and the Faculty Senate. These groups provide advice and counsel, serve as appellate panels, and propose policies and procedures which affect the College. From time to time, the President of the College or other administrative officers may appoint ad hoc committees to study special problems. These ad hoc committees will address special concerns which ordinarily can be accomplished over a limited period of time.

The President's Executive Cabinet

Membership: The President, the Vice President of Academic Affairs, the Vice President of Fiscal Affairs, the Vice President for Institutional Advancement, the Vice President of Student Affairs and Enrollment Management, the Chief Information Officer, the Athletic Director, the Dean of Campus Culture and Religious Life, Vice President for Institutional Effectiveness, Planning, and Research, and Executive Director of the Social Justice Institute.

Responsibilities: The President's Executive Cabinet meetings provide an opportunity for each member to share concerns about problems and issues and aid in the development of appropriate responses which are consistent with College policy and practice.

Meetings: The cabinet meets weekly and on call by the President.

Administrative Council

Membership: The President, the Vice President of Academic Affairs, the Vice President of Fiscal Affairs, the Vice President for Institutional Advancement, the Vice President of Student Affairs and Enrollment Management, the Registrar, and the directors of Alumni Affairs, Library Services, TRIO, Facilities, Residence Life, Public Safety, Institutional Research, Integrated Counseling, Recruitment and Admissions, Financial Aid, Title III, CIS, the Dean of Religious Life and Campus Culture/Chaplain, and the Faculty and Staff Representatives.

Responsibilities: The Administrative Council meetings provide a forum for discussing topics that have general College-wide implications.

Meetings: The Administrative Council meets once per month or as called.

Division Chairs and Directors Meeting

Membership: The Chair's meeting membership consists of the Vice President of Academic Affairs, the Academic Division Chairpersons, the Director of the McKinley Newton Honors Academy, the Dean of the Joycelyn Elders School of Allied and Public Health, the STEM Center Director, Library Services, Assessment and Evaluation Coordinator, and the Director of the Philander Smith Management Institute.

Responsibilities:

- To review and recommend to the Vice President of Academic Affairs new curricula, program revisions, degree requirements, and academic standards submitted by standing committees and approved by the Faculty Senate;
- To coordinate all academic matters for the purpose of meeting the College's mission and short- and long-term goals;
- To review the budgetary concerns for various academic divisions and support areas;
- To continuously assess, evaluate, and recommend procedures for the appointment of academic personnel and procedures for determining promotion and tenure.

Meetings: The Chairs Meeting meets bi-weekly and on call.

Faculty Senate Standing Committees

1. The Academic Policies Committee
2. The Curriculum Committee
3. The Evaluation, Promotion, and Tenure Committee
4. The Research and Sabbatical Leave Review Committee
5. The Library Committee
6. The Teacher Education Committee
7. The Faculty Grievance Committee
8. The Faculty Development Committee
9. The Faculty Athletic Committee
10. The Faculty Handbook Committee
11. The Faculty-Staff Grievance Committee
12. The Electoral Committee.
13. The Honorary Degree Committee

Committee Membership

Membership on each faculty standing committee consists of the following voting members:

1. One full-time faculty representative from each division, to be nominated by each division and approved by the faculty Senate (see exceptions below);
2. Two students nominated by the Vice President for Student Affairs and the Student Government Association;
3. Non-voting members of each committee can be selected by each committee at their discretion, but should not exceed three;
4. The Curriculum Committee is to consist of Academic Division Chairpersons,

Academic Deans, and Directors of Academic Programs.

5. Divisions may nominate adjunct faculty to serve on committees. Non-voting members may be nominated from Student Affairs.

Exceptions

1. Members of the Evaluation, Promotion, and Tenure Committee must be tenured faculty.

2. Membership on the Library Committee will be determined as specified in the committee structure.

3. The Faculty Grievance Committee will not include students and must include one faculty member appointed by the grievant.

4. Committees will select their own chairperson except for the Faculty Development Committee, where the chairperson is designed in the committee structure.

5. The Faculty-Staff Grievance Committee will include two at-large and one alternate full-time faculty, and the President of the College shall appoint two staff members and one alternate member from the following: Vice-President of Academic Affairs, Vice-President of Institutional Advancement, Director of Title III, Director of Financial Aid, Registrar, Director of CIS, Library Director, and Director of Religious life.

6. The Electoral Committee may not include any serving officer of the Faculty Senate.

The Academic Policies Committee

Responsibilities: The purpose of the Academic Policies Committee is to improve the quality of all academic services at Philander Smith College. Specifically, the committee will:

1. Review and make recommendations regarding all academic matters for the express purpose of assuring that the mission and objectives of the College are achieved. The committee will recommend the initiation and/or revision of academic programs, policies, and procedures to achieve the College's objectives and mission;

2. Review, initiate, and recommend policies relevant to academic course offerings, degree requirements, grading procedures, credit policies, academic standards, and related matters;

3. Review, evaluate, and make recommendations relating to the effectiveness of academic support services for students and faculty;

4. Review, evaluate, and make recommendations relating to all *special*

academic programs (e.g., Upward Bound, Black Executive Exchange Program, Math Science Program, etc.);

5. Review, evaluate, and make recommendations regarding all academic policy changes submitted by other standing committees;

6. Act on any grievance originating from student complaints collectively or individually, centering on such questions as grading standards and fairness, departmental or graduation requirements, errors in registration or record keeping, or those related to similar areas. Such grievances may be submitted to the committee by a student grievant after he/she has consulted with the teacher, the departmental and/or division chairperson involved, and the Vice President of Academic Affairs.

Meetings: The Academic Policies Committee shall meet on call as necessary.

The Curriculum Committee

Responsibilities: The Curriculum Committee's purpose is to assess the needs and evaluate the quality, relevance, appropriateness, and effectiveness of the College's curriculum. Specifically, the Curriculum Committee will:

1. Evaluate and make recommendations relating to the nature, scope, and sequence of the curriculum in relation to the philosophy and mission of Philander Smith College;

2. Evaluate and recommend new courses, programs and curricula proposals, to assure continued quality and currency without excessive courses, programs, or curricula offerings;

3. Continually evaluate and make recommendations relating to the content of and number of requirements in the general education core.

Meetings: The Curriculum Committee shall meet on call as necessary.

Evaluations, Promotion, and Tenure Committee

Responsibilities: The purpose of this committee is twofold. One is to receive and evaluate each promotion and/or tenure application along with the appropriate Division Chairperson's recommendation and to make an independent written recommendation to the Dean of Instruction and the Vice President for Academic Affairs. To fulfill this purpose, it is the chief responsibility of the committee to review all applicants' qualifications for promotion and/or tenure status; to check the portfolio for consistency with divisional and College procedures, policies and missions; to review the portfolio for completeness of the information presented. Each applicant will be given a positive or negative recommendation with all positive recommendations placed in priority order.

Additionally, the Evaluation, Promotion, and Tenure Committee is charged with:

1. Developing and recommending policies, procedures, and practices for evaluating faculty by their supervisors, peers, and students;
2. Reviewing and recommending criteria for beginning employment at Philander Smith College at the ranks of instructor, assistant professor, associate professor, or full professor;
3. Reviewing and recommending revisions when needed of policies, procedures, and practices for appealing denial of promotion or tenure;
4. Reviewing and recommending eligibility criteria for Emeritus Faculty status;
5. Reviewing and recommending policies, procedures, and practices for nominating faculty for Emeritus status.

The Evaluation, Promotion, and Tenure Committee will recommend, after a review of supporting documents, faculty for the Emeritus status.

Meetings: The Evaluation, Promotion, and Tenure Committee shall meet according to a regular yearly schedule.

The Research and Sabbatical Leave Review Committee

Responsibilities: The Research and Sabbatical Leave Review Committee is primarily responsible for evaluating applications for Sabbatical Leave; Educational Leave with Pay; and Release time for research. The committee will review and evaluate all applications for:

1. Clarity and consistency, and the congruence of the proposed research with the College and divisional missions, goals, and objectives;
2. The completeness of the information;
3. The probability of the leave or release time resulting in professional development for the faculty member.

Meetings: The Research and Sabbatical Review Committee will meet on an on-call basis.

The Library Committee

Responsibilities: The Library Committee will serve as an advisory body for the Library and the Director of Library Services in matters of general policy, such as usage and access policies or inter-library cooperation. The Committee members will also serve as a channel of communication between the Library and the various academic divisions and programs, the non-teaching staff, and the student body. The Committee members

may be requested to give advice on collection development in their academic disciplines. The voting members of the Library Committee shall consist of:

1. At least one faculty member from each academic division or program, to be selected by the Division Chair or Program Director;
2. At least one non-teaching staff member, to be selected by the Vice President of Academic Affairs;
3. At least one member of the Student Government Association, to be selected by the Vice President of Student Affairs and the SGA President;
4. The Director of Library Services or a designated library staff member will serve as an ex-officio member of the Library Committee and will maintain a record of all meetings. The Chair of the Committee will be chosen by the committee's members.

Meetings: The Library Committee will meet at least once each semester and on call as determined by the committee chair and/or the Director of Library Services.

Faculty Grievance Committee

Responsibilities: The purpose of the Faculty Grievance Committee is to resolve all issues involving faculty and the institution and to review any negative recommendations for tenure or promotion. The committee shall file a written report of its findings with the Vice President for Academic Affairs, which will include a majority opinion of all the committee members and a minority opinion if applicable. The Faculty Grievance Committee will:

1. Review allegations of unfair treatment regarding some aspect of the work situation which is subject to the control of the College and is subject to grievance;
2. Review committee or administrative recommendations which appear to be arbitrary or capricious;
3. Review committee or administrative recommendations which appear to be based upon racial, gender, disability, or other prohibited discrimination;
4. Review committee or administrative recommendations which were rendered without substantial compliance with the proper procedures including adherence to all stipulated deadlines. The appellant must show that the proper procedures were not followed and that such error was or could have been a contributing factor to the negative recommendation.

Meetings: The Faculty Grievance Committee will meet on call by the chairperson as required by receipt of grievance.

For grievances involving general harassment as defined in the General Harassment

Policy Statement, the Personnel Director of the College will sit on the committee as a non-voting ex-officio member.

The Faculty Development Committee

Responsibilities: The purpose of the Faculty Development Committee is to administer the funds made available by the College for faculty study, research, and degree work. The Faculty Development Committee will:

1. Recommend for faculty approval the criteria for the awarding of grants within its area of responsibility;
2. Disseminate to the faculty information concerning funds made available by the College for such grants;
3. Review requests for such grants from members of the faculty;
4. Designate recipients of such grants;
5. Review and recommend applicants for sabbaticals;
6. Make recommendations to the Vice President of Academic Affairs on faculty-development workshops.

The voting members of the Faculty Development Committee shall be as described above plus the Dean of Faculty Development who shall serve as chairperson.

Meetings: The Faculty Development Committee will meet monthly and on call, as necessary.

The Faculty Athletic Committee

Responsibilities: The purpose of the Faculty Athletic Committee is to oversee and improve the interaction between academics and athletics. The Faculty Athletic Committee will:

1. Ensure that academic rules are followed;
2. Evaluate athletics recruiting processes;
3. Make recommendations for scholarships;
4. Document student athletes' absences;
5. Evaluate the functioning of the College's athletic program with regard to academics.

Meetings: The Faculty Athletic Committee will meet monthly and on call, as necessary.

The Faculty Handbook Committee

Responsibilities: The purpose of the Faculty Handbook Committee is twofold. One is to oversee adherence to faculty policy. The other is to review changes to the Faculty Handbook. The Faculty Handbook Committee will:

1. Review and make recommendations regarding adherence to faculty policies;
2. Review, initiate, and recommend policies relevant to faculty governance;
3. Develop and update the Faculty Handbook.

Meetings: The Faculty Handbook Committee shall meet on call as necessary.

The Faculty-Staff Grievance Committee

Responsibilities: The purpose of the Faculty-Staff Grievance Committee is to resolve disputes between faculty and staff. The committee will render a decision, which shall be conveyed in writing to the Director of Human Resources, the Vice President for Academic Affairs, and the President of the College.

Meetings: The Faculty-Staff Grievance Committee shall meet when notified by the Personnel Director as necessary.

The Electoral Committee

Responsibilities: The purpose of the Electoral Committee is to collect nominations for officers of the Faculty Senate. At the April meeting of the Faculty Senate, the committee shall present the ballots of candidates and conduct any additional nominations until a motion to close nominations is passed. After the members have voted, the committee shall collect the ballots and tally the votes. The Chair of the Electoral Committee shall give the Senate the results.

Meetings: The Electoral Committee shall meet when necessary to accept nominations.

The Honorary Degree Committee

Responsibilities: The purpose of the Honorary Degree Committee is to collect nominations for honorary degrees, evaluate them, and submit the candidates to the Faculty Senate for final approval.

Meetings: The Honorary Degree Committee shall meet when necessary to accept nomination.

APPENDIX C: INTELLECTUAL PROPERTY POLICY

This Policy covers all types of intellectual property. The following examples are not exhaustive: The Policy applies to other types not listed here, regardless of whether they may be protected by patent, copyright, trademark, trade secret, or other law.

- Inventions
- Discoveries
- Trade secrets
- Trade and service marks
- Writings
- Art works
- Musical compositions and performances
- Software
- Literary works
- Architecture

All employees of Philander Smith College are covered by this policy. The **College** owns the intellectual property created by its employees under the conditions stated below:

1. If intellectual property is created by an employee within the scope of employment;
2. If intellectual property is created on Philander Smith College time, with the use of College facilities or College financial support;
3. If intellectual property is commissioned by the College pursuant to a signed contract; or,
4. If intellectual property results from research supported by Federal funds or third-party sponsorship.

The **employee** owns the intellectual property under the conditions stated below:

1. If it is unrelated to the employee's job responsibilities, **and** the employee made no more than incidental use of College resources;
2. If it is an invention that has been released to the inventor in accordance with this Policy; or
3. If the intellectual property is embodied in a professional-, faculty-, researcher- or student- authored scholarly, educational (i.e. course materials), artistic, musical, literary, or architectural work in the author's field of expertise (from here on, a "scholarly work"), even though such a work may be within the scope of employment and even if College resources were used - **UNLESS** it is a scholarly work (i) created by someone who was specifically hired or required to create it or (ii) commissioned by the College, in either of which cases, College, not the creator, will own the intellectual property.

APPENDIX D: COPYRIGHT INFRINGEMENT PROHIBITION

Copyright infringement is a violation of federal law and subject to severe civil penalties and sanctions. It can also be a violation of federal criminal law. Under federal copyright law, copyrighted works **may not be copied, published, disseminated, displayed, performed or played without the permission of the copyright holder**, unless such use is deemed to be "fair use" under the law.

It is the policy of Philander Smith College to comply with the United States Copyright Act of 1976 as amended, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002 (TEACH). All reproduction or use of copyrighted materials must comply with the provisions of the federal law. This includes following the guidelines provided related to items in all media, such as written works, musical works, dramatic works, pictorial and graphic works, sculptural works, motion picture, television, and other audiovisual works, sound recordings, multimedia works, and digital and computer works and programs.

All members of the College community – faculty, students, staff and administrators – are expected to adhere to the limits for copying and the use of materials in presentations in a manner permissible under the fair use doctrine and guidelines, including those specifically granted to educators in classroom settings.

Pursuant to the U.S. Copyright laws, Philander Smith College has designated an agent to receive notification of alleged copyright infringement. Philander Smith College's designated agent is:

Ms. Kathy Anderson, Director

Donald Reynolds Library
Philander Smith College
900 W. Daisy Bates Drive
Little Rock, AR 72202
Telephone: 501.370.5306

For more information on U.S. Copyright law, consult the website of the U.S. Copyright Office. The U.S. Copyright office has a variety of circulars and forms, available online or printed that provide answers and guidance to many copyright questions and issues. For the TEACH Act, consult the Copyright Clearance Center. For the DMCA act, consult the Copyright Alliance Office.

APPENDIX E: COMMONLY USED FORMS (LINKS PROVIDED)

Most forms that Faculty need can be found on the Registrar's Office Website. Click here to access: <https://www.philander.edu/registrar>.

Personnel forms can be found on the Human Resources Office Website. Click here to access: <https://www.philander.edu/human-resources>

APPENDIX F: CRITERIA FOR AWARDING OF HONORARY DEGREES

1. Outstanding contribution to Philander Smith College. Demonstrated excellence in academic achievement as acknowledged by peers at Philander Smith College.
2. Outstanding contribution and dedication to the mission, goals, and objectives of Philander Smith College as demonstrated either through service or financial support either in the past or present.
3. Outstanding contribution to the mission, goals, and objectives of Historical Black Colleges.
4. Outstanding role model from the community at large who demonstrates magnanimity, courage, fortitude, and determination to succeed.

The names of all candidates along with supporting documentation are to be submitted to the chair of the Honorary Degree Committee.

The process for approving candidates for the Honorary Degree follows the Academic Governance Reporting Process of Philander Smith College:

1. Recommending person(s);
2. The Honorary Degree Committee;
3. Faculty Senate;
4. Vice President of Academic Affairs;
5. President;
6. Board of Trustees.



OFFICE OF ACADEMIC AFFAIRS

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