Faculty Handbook

Excerpts from Employee Handbook

March 2019
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1 INTRODUCTION

1.1 Welcome to the University of Arkansas - Fort Smith!

Congratulations on your new position and welcome to the University of Arkansas – Fort Smith. You are now a member of a vibrant community comprised of accomplished faculty, inspired staff, modern facilities, and exceptional students.

Since 1928, our university has been the educational institution of choice for the River Valley region. While much has changed during that time, including our growth from a junior college to a four-year regional university, our core academic mission remains much as it has since our inception: to help students succeed in an ever-changing world.

You’ll find our campus to be one of inclusion, innovation, and academic excellence. We are decidedly student-focused, with programming and initiatives that encourage curiosity, collaboration, and a sense of community.

The supportive nature of the campus extends to its employees. You’ll find opportunities for professional development, personal growth, and rewarding activities are readily available at UAFS. I encourage you to become involved and enjoy all that campus has to offer.

Whether you are new or continuing at UAFS, I thank you for sharing your talents with our students. I look forward to working alongside you as we help generations of Lions achieve their academic goals.

Welcome to the Pride,

Terisa Riley, Ph.D.
Chancellor

1.2 The Employee Handbook

The purpose of this handbook is to help employees in their individual roles at UAFS by introducing them to the University. It is intended to provide information about the institution’s policies and procedures related to employment and employee benefits and to serve as a guide to programs and services available to faculty and staff.

This document will be maintained in electronic format and will be available to all employees via the University Website. Employees who do not have access to computers will be provided with a hard copy of the Employee Handbook. It is the responsibility of each employee to be aware and keep current on all published policies and procedures and abide by them.

The policies and information within should be seen as broad internal guidelines. As guidelines, their applicability may vary with circumstances that vary widely from case to case, though consistency and fairness are values we seek in each decision. While we have done our best to
ensure that the material in this document is accurate, circumstances may occur that will require policies and other information in the handbook to change from time to time. The Chancellor reserves the right to modify policies and procedures at any time at sole and absolute discretion. When policy changes are made, the master document will be amended and changes will be announced to the campus community through email.

While the University will attempt to provide employees with advance notice of any change, the University reserves the right to alter these policies at any time without advance notice. The Handbook should not be construed as a legal document. The material is not all-inclusive as much of the material in the handbook is summarized. Nothing contained in this document or any verbal statement should be construed as creating any type of employment contract, either expressed or implied, between the University and any employee, or a legal document of any kind. Further, nothing in this handbook or any other manual, handbook, or policy should be viewed as limiting the right of the employee or the University to terminate the employment relationship at any time, with or without cause.

Individual colleges and/or departments of the University may establish operating policies and procedures specific to their college or department. Those policies and procedures cannot be in conflict with University policies and procedures or state or Federal law.

This document supersedes any previous policy manuals, handbooks, or unwritten policies.

1.2 Updated 6/1/2010

1.3 UAFS History
UAFS was established in 1928 as an extension of the public school system in Fort Smith, Arkansas, and has since gone through distinct phases to become a regional university.

Fort Smith Junior College was first housed at what is now Darby Junior High, followed by a move to the new high school, now Northside High School. The college operated within the Fort Smith Public School System until 1950 when it was incorporated as a private, nonprofit institution with its own governing board. In September 1952 the campus moved to fifteen acres on Grand Avenue, a portion of its current site. Two brick buildings and one wooden structure that previously housed the county hospital for the indigent and the local “poor farm” were converted to classrooms and offices. The fall semester began with 108 students and 10 instructors.

During the 1950s and 1960s, the college forged ahead in its role as a comprehensive community college – a new concept in Arkansas and across the nation. In the fall of 1965, the Sebastian County electorate approved the creation of the Sebastian County Community Junior College District; the governor appointed a Board of Trustees, and the school again became a public institution.

Fort Smith Junior College became Westark Junior College in 1966, indicating the larger area to be served, followed by Westark Community College in 1972. Throughout the 1980s and early 1990s, the college developed and grew. The year 1989 brought another significant development, the establishment of a University Center on the Westark campus, allowing four-year institutions to offer junior-, senior- and graduate-level courses at Westark.

In 1997, the state legislature passed an act praising Westark and its ability to manage change, officially designated Westark as a “Unique Community College,” and granted it authority to offer
in its own right up to nine applied bachelor’s degrees developed in response to identified needs 
in the area and industries served.

The name of the college was changed yet again in February 1998 to Westark College. The next 
major step came on December 15, 2000, as an agreement with the Board of Trustees of the 
University of Arkansas to merge Westark with the University of Arkansas System as a four-year 
institution, the University of Arkansas - Fort Smith.

The merger, which became official on January 1, 2002, endorsed the concept of UAFS as a 
unique University – one that offers applied and traditional baccalaureate degree programs, one-
and two-year associate and technical programs, and noncredit business and industry training 
programs. UAFS absorbed five bachelor’s degree programs offered through the University 
Center and has since developed, and continues to develop, its own bachelor's degrees.

Two core missions mark the institution of today – commitment to serving the greater Fort Smith 
region’s business and industry with quality training and education and commitment to become a 
full-service regional university that is a destination of choice for students.

1.4 About the University of Arkansas System
The University of Arkansas System provides communities in Arkansas with access to academic 
and professional opportunities, develops intellectual growth and cultural awareness in its 
students, and provides knowledge and research skills to an ever-changing society. With more 
than 66,000 students and over 17,000 employees, the UA System is a driving force in the 
state’s economy.

Since the inception of the flagship campus in Fayetteville in 1871, the UA System has 
developed a tradition of excellence that extends to five universities, five community colleges, a 
college of medicine, two schools of law, a presidential school, a math and science high school, 
and divisions of agriculture, archeology and criminal justice. The individual entities of the UA 
System maintain cooperative strength as well as diverse offerings that exhibit unmatched 
economic and social impact to the state.

Through the students, faculty, staff and citizens it serves, the UA System drives Arkansas’ 
economy with investment in human capital. In today’s knowledge-based society, the entities of 
the UA System are setting the curve through a diverse field of academic programs, cutting-edge 
research, workforce training initiatives and public service programs that give Arkansans the 
tools for a better future.

Background. The Arkansas General Assembly established the University in Fayetteville in 
1871 as the Arkansas Industrial University, and under the Morrill Act of 1862, it became the 
state land-grant institution and first state-assisted college in Arkansas. On opening day, January 
22, 1873, there were four teachers and eight students.

In 1873 the University established a campus in Pine Bluff, which was designated as a land-grant 
campus of the University from 1875 until 1927, and then uniting again with the System in 1972. 
In 1879, the University accepted responsibility for academic management and operation of a 
privately established not-for-profit medical campus in Little Rock. This campus merged into the 
University System in 1911 and is now known as the University of Arkansas for Medical 
Sciences.

In 1969, Little Rock University joined the UA System, becoming the University of Arkansas at
Little Rock. In 1971, the Monticello campus was added, dissolving its predecessor, Arkansas A & M College. Phillips Community College in Helena joined the UA System in 1996, later adding campuses in Stuttgart and DeWitt. Also in 1996, Red River Technical College in Hope joined the System and was renamed the University of Arkansas Community College at Hope. In 1998, Gateway Technical College in Batesville joined the System and was renamed the University of Arkansas Community College at Batesville. In 2001, Petit Jean College joined the System and was renamed the University of Arkansas Community College at Morrilton. Also in 2001, Cossatot Technical College joined the System and was renamed Cossatot Community College of the University of Arkansas. On January 1, 2002, Westark College joined the System and was renamed University of Arkansas at Fort Smith. The most recent additions to the UA System are the Arkansas School for Mathematics, Sciences, and the Arts on January 1, 2004, and the University of Arkansas Clinton School of Public Service on July 1, 2004.

Keenly aware of the continually changing world, the entire University System is committed to study and anticipate an evolving society. By updating offerings and featured programs accordingly, it helps prepare students to be leaders of tomorrow.

Excerpts from UA System Website 7/2009

1.5 University Governance
A system of councils and committees was established to promote internal communication and administrative teamwork. The active involvement of committee members, representing a broad cross section of the campus, provides a high level of involvement in decision-making and is recognized as a strength in the decision-making process. The system allows faculty, staff, administrators, and students to be involved in matters that affect them. Faculty and staff (except those with temporary appointments) are eligible to participate in the Faculty Council or the University Staff Council, respectively. Vice chancellors, deans, and some academic administrators are assigned to either the Chancellor’s Senior Staff Council or the Dean’s Council. Students are eligible to participate in the Student Senate.

Additional information about the Faculty Council, Faculty Senate, and Staff Council is available online at https://my.uafs.edu (My.UAFS).

1.5 Updated 6/1/2010; 3/2019
2 EMPLOYMENT DEFINITIONS
(ACA § 21-5-209; Fair Labor Standards Act – 29 U.S. Code, Chapter 8)

2.1 Faculty, Adjunct Faculty, Administrators, and Staff
There are four general categories of employees at the University: faculty, adjunct faculty, administrators, and staff.

2.1.1 Faculty are employees whose primary job assignment is instructional. This includes titles such as lecturer, instructor, assistant professor, associate professor, professor, distinguished professor or one of these titles modified by senior, master, technical or visiting. In addition, faculty with dual assignments may have titles such as team leader, specialist, coordinator, department head, director, executive director, or assistant/associate dean. Faculty appointments may be ranked or nonranked. Contractual and non-contractual appointments for employees in this category are faculty or tenured faculty.

2.1.1.1 Tenured Faculty. Instructors hired after May 20, 1998, are not eligible for tenure. Faculty with tenure or on tenure-track at that time retained tenure.

2.1.2 Adjunct Faculty are part-time instructors hired on a semester-by-semester or an as-needed basis. There is no tacit or implied obligation for continued employment beyond the semester or assignment. The employment of part-time faculty is contingent upon class enrollment for which there is no full-time instructor available.

2.1.3 Administrators are employees who hold titles such as controller, director, dean, vice chancellor, provost, chancellor, or one of the aforementioned titles modified by assistant, associate, or executive. Some administrators also hold faculty rank.

2.1.4 Staff are employees of the University who are not faculty or administrators. Staff may be classified or non-classified.

2.3 Employment Status (for Benefits & Payroll)
For payroll and the purpose of eligibility for benefits and leave, all University employees are categorized as full-time, regular part-time or temporary extra-help, further defined as:

2.3.1 Full-Time Employees. To be classified as full-time, an employee must be paid from a regular appropriated position in the University’s appropriation act. Full-time employees have 80-100% appointments. Employees with 80% appointments receive pro-rated leave and benefits with the exception of tuition benefits. To be eligible for tuition benefits an employee must have a 100% appointment.

2.3.2 Part-Time Employees (Part-Time Extra Help). Part-time employees are hourly. All part-time positions are equated to regular appropriated positions or other authorized state job titles and are hired on an "as-needed basis."

2.3.2.1 Adjunct Faculty. Adjunct faculty are part-time faculty hired on a semester-by-semester basis. Assignments are capped at two to three classes per semester, not to exceed 10 credit hours per semester or 20 credit hours per academic and calendar year. Adjunct faculty teaching clinical classes may not exceed 450 contact hours per semester, 900 per year. For the purpose of
tracking service hours, as required by the Affordable Care Act, a year is defined as a rolling 12-month period.

2.3.2.2 Regular Part-Time Employees. Part-time employees are hourly and are eligible to participate in Staff Council. Part-time employees authorized to work half time (20 hours or more per week) on a regular basis are eligible to participate in the University’s benefits program and receive pro-rated holiday pay and sick leave. Part-time employees in this category typically work 30 hours per week and may not exceed 1,500 hours within a fiscal year.

2.3.3 Temporary Employees. Temporary employees are employed for a specific period of time and for a specific project or purpose.

2.3.3.1 Visiting Faculty. Faculty with visiting appointments may be employed for one semester or one academic year. When a visiting appointment is for a full academic year, it is considered a full-time, benefits-eligible appointment.

2.3.3.2 Other Temporary Employment. Temporary employees can be hired on a full-time or part-time basis and are not eligible for benefits. For this category, the typical employment period will be for 90-calendar days or less.

2.3.3.3 Provisional employees. Provisional employees are hired for a specific project or purpose, funded by grants or other private sources, and can be full-time or part-time. Provisional positions are authorized through special legislation and are not part of the University’s regular appropriation act. However, position classifications for provisional positions must be linked to other like (or similar) appropriated positions. Salaries, including pay increases, are determined by the University, based on the availability of funds and in comparison to raises for other employees in the same class, and not solely by the funding source. Employees in this category are considered to be UAFS employees and not employees of the funding agency.

2.4 Exempt and Non-Exempt Employees.
(Fair Labor Standards Act – FLSA - 29 U.S. Code, Chapter 8)
Employees are further categorized as either exempt or non-exempt (for overtime pay consideration) as required by the federal Fair Labor Standards Act (FLSA).

2.4.1 Exempt Employees. Exempt employees include anyone employed in a bona fide executive, administrative, or professional capacity, or other exempt category as defined by the FLSA. The FLSA does not require overtime compensation for exempt employees working more than 40 hours per week.

2.4.2 Non-Exempt Employees. Non-exempt employees include those employees who are not included in the exempt classification, whose positions do not meet FLSA exemption tests, or who are compensated for hours worked in excess of 40 per week.

If an employee does not know whether his or her position is exempt or non-exempt, the employee should ask his or her supervisor or contact Human Resources.

2.4 Updated 12/2001; 03/2015; 3/2019
2.5 Types of Employment.
At UAFS, employment agreements are either employment-at-will or contractual.

2.5.1 Employment-at-Will. Arkansas is an employment-at-will state. All employees, except those with written contracts signed by the Chancellor, whether full-time, part-time, extra-help or other, are employees-at-will. This means that the employee or the University is free to end the employment relationship at any time, with or without notice, with or without cause, and the employment is for no specified period of time.

2.5.2 Employment by Contract. Full-time ranked faculty are the only employees eligible for employment by contract. The only employment contracts recognized by the University are those offered by the Chancellor and signed by both the employee and the Chancellor. In the Chancellor’s absence, vice chancellors may be designated to act on his/her behalf, which includes entering into written employment contracts. No other employee of this institution has the authority to enter into a written or oral contract with any employee. Nothing contained in this handbook is intended to alter this fact. The individual employment contract, and documents referenced within said contract, represent the entire agreement between the parties and may only be modified in writing, and signed by both parties.

Employment periods are stated in the contract and imply no obligation for employment beyond the contracted period. If such an appointment is not planned to be renewed in the succeeding year, the employee will be notified 90 days prior to the expiration of the current contract, unless there is a contract provision that provides for an alternate notification date or terminal appointment. If an employee is involuntarily terminated during the contracted term, the remainder of the contracted salary will be paid unless the employee is dismissed for cause. An employee in this category who plans not to renew his or her contract must notify his or her supervisor 90 days prior to the contract end date for the current academic year.

Contractual Terms. Most faculty have nine-month or academic-year appointments. Contractual periods vary. Faculty who hold the rank of assistant professor may be eligible to receive a two-year contract. Faculty who hold the rank of associate professor or professor may be eligible to receive a three-year contract. Contract terms are recommended by the dean and approved by the Provost.

2.5.3 Tenured Appointments. Tenured faculty have one-year contracts. Contracts are rolled forward annually except under the following circumstances: (1) tenured faculty members may be dismissed for cause or (2) dismissed when the Chancellor determines that their services may no longer be afforded because of the necessity for financial retrenchment or the deletion of the program or courses of instruction for which they were hired. Such dismissal(s) may occur as a result of local management, UA System Board or Arkansas Higher Education Coordinating Board (AHECB) decision. Dismissal proceedings are conducted according to institutional policy. (See Section 10.5, Dismissal of Tenured Faculty for Cause.)

2.6 Job Assignments.
The administration retains the right to direct the workforce. This includes, but is not limited to, the following: assign or transfer employees, assess numbers of employees, change methods of operations, and reorganize operations. All employees, at-will and contractual, are subject to job
reassignment to meet the needs of the University as determined and recommended by the supervisor and approved by the appropriate vice chancellor or designee. There is no requirement for advance notice to change a job assignment.

2.6 Updated 12/2001
3 GENERAL EMPLOYMENT POLICIES & PRACTICES

3.1 Employment Philosophy
The University’s philosophy is based on the conviction that the well-being of the University and the well-being of its employees are synonymous. The University is dedicated to the belief that its most valuable asset is its people. UAFS employs people in a nondiscriminatory manner, treating everyone with respect and dignity, and applies policies and procedures in a fair, consistent, and an equitable manner. The University is committed to work with, encourage, and aid employees in realizing their full potential. Concurrently, all employees are expected to maintain prescribed work standards and to represent themselves appropriately as University employees. (See Section 8, Employee Conduct for more information.)

The University will not tolerate employees who violate the law. If an employee believes that anyone in, or associated with, the University has required or directed him or her to do anything that violates the law, or has prohibited the employee from doing anything the law requires him or her to do, the employee should immediately report this to Human Resources or the appropriate Vice Chancellor.

3.2 Eligibility for Employment
(Immigration Reform and Control Act, Public Law 99-603; Arkansas State Personnel Policy)
Employers are required by federal law to verify that every person hired after November 6, 1986, is authorized to work in the United States, using the Employment Eligibility Verification Form (Form I-9). New employees or prospective employees are required to present documents that identify the employee as well as his or her eligibility to work in this country.

The federal government may, from time to time, change the list of acceptable I-9 documents. The following documents are currently acceptable to attest to both identity and employment eligibility: U.S. Passport or U.S. Passport Card; Permanent Resident Card or Alien Registration Receipt Card (Form I-551); foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigration visa; Employment Authorization Document that contains a photograph (Form I-766); in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an unexpired endorsement of the alien’s nonimmigrant status, or passport from the Federated State of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A.

Substitute documents that can be used to prove identity are: a state issued driver’s license or ID card with a photograph, or information including name, date of birth, gender, height, eye color, and address; ID card issued by federal, state or local government agencies provided it contains the same information, school ID card with a photograph, voter registration card, U.S. Military card or draft record, military dependents ID card, U.S. Coast Guard Merchant Mariner Card, or Native American tribal document, or driver’s license issued by the Canadian Government authority.

Substitute documents that attest to employment eligibility are: original Social Security card, unless it specifies on the face that the issuance of the card does not authorize employment in the United States; certificate of birth abroad issued by the Department of State (form FS-545); certificate of Report of Birth issued by the Department of State (form DS-1350); original or certified copy of birth certificate; Native American tribal document; U.S. Citizen ID card (form I-
ID for Use of Resident Citizen in the U.S. (form I-179); or employment authorization document issued by the Department of Homeland Security.

Human Resources staff can help complete the I-9 and other forms, including the University Acknowledgement of Policies form and the W-4 tax-withholding form that should be completed and signed on or before the first day of employment. Forms are available online at https://my.uafs.edu (My.UAFS). Non-resident aliens must complete their W-4 forms in Human Resources to ensure compliance with IRS regulations.

3.2 Updated 08/2009

3.3 Age Requirements
(U.S. Fair Labor Standards Act; Age Discrimination in Employment Act; Arkansas State Personnel Policy; ACA §11-6-110 et seq.)
The minimum age for employment at the University is sixteen years. Employees who hold hazardous jobs must be eighteen years of age or older. Public safety officers must be age twenty-one or older. There is no maximum age for employment and no mandatory retirement age.

3.3 Adopted 6/1/2010

3.4 Equal Employment
(Various federal and state laws; Arkansas State Personnel Policy)
Equal employment opportunity is the law. UAFS abides by all applicable employment laws and does not discriminate on the basis of race, color, gender, age, national origin, religion, disability, veterans’ status, sexual orientation, or gender identity. As an equal opportunity/affirmative action employer, the University is committed to provide equal employment opportunities (EEO) for all qualified applicants and employees with regard to recruitment, hiring, transfer, promotion, compensation, training, fringe benefits and all other aspects of employment. EEO is to be implemented throughout the campus, in all programs and activities, and is the responsibility of all departments and all faculty and staff.

The University is committed to a policy of EEO and to a program of affirmative action. Any employee who believes he/she has been discriminated against, or is aware of discrimination against another employee, is encouraged to contact:

Director of Human Resources/EEO Officer
University of Arkansas - Fort Smith
P.O. Box 3649
5210 Grand Avenue
Fullerton Administration, Room 235
Fort Smith, AR 72913-3649
Telephone (479) 788-7839

Contact Human Resources for additional information or assistance.

3.4 Updated 12/2001; 6/2010; 8/2014

3.5 Notice to Employees
As required by law, notices of applicable state and federal laws, including information on equal employment opportunity, wage and hour, health and safety, and other issues, are posted on the Human Resources bulletin board located on the second floor of the Fullerton Administration
Building, adjacent to the elevator outside of the Human Resource Department. Notices can also be found online at https://my.uafs.edu (My.UAFS), on the Human Resources portion of the site. It is the employee’s responsibility to be familiar with the information contained on the bulletin board.

3.5 Updated 12/2001; 3/2019

3.6 Personnel Records
Personnel files contain official documents related to employment. There is only one official personnel file for each employee. All files and documents maintained in an employee’s personnel file are confidential, except as required by law. Those files are securely maintained in Human Resources with access limited to supervisory and administrative personnel who have an official business reason to view the files, including but not limited to prospective supervisors of employees who have applied for a promotion or transfer, persons involved in the investigation or settlement of a formal grievance or complaint filed by an employee, and attorneys and others who are investigating state workers compensation claims. Employees have the right to examine and copy the information contained in their own personnel file at any time during regular business hours by making an appointment with the Director of Human Resources. Employees may view their records in the presence of a record custodian, but may not remove any document or entry from the file. Individual departments may also maintain modified personnel records. If so, employees have the right to view those files at any time during regular business hours.

Under the Arkansas Freedom of Information Act, any citizen of the State of Arkansas may inspect and copy personnel records except to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy. Before others are allowed to inspect or copy an employee’s records, the following types of information will be removed: Social Security and income tax information, medical and insurance status, unlisted telephone numbers and addresses not intended for publication, and scholastic or academic records (transcripts). Job performance records, including performance evaluations, are disclosed only if there has been a final administrative resolution of a suspension or termination proceeding at which the records formed the basis for the suspension or termination, and there is a compelling public interest in the disclosure.

Within twenty-four hours of receiving a request for inspection of personnel records, the University will determine whether the records are subject to disclosure and make every effort to notify the employee of the request and determination. The employee may seek an opinion from the Attorney General about whether the records are subject to disclosure.

In the event of a law enforcement or agency investigation in which personnel records are relevant, they will be made available to University attorneys and others involved in the investigation. Records may also be made available in response to a lawfully issued subpoena or court order.

3.6.1 Change of Information. Any personal status change affecting record keeping, payroll or benefits should be reported to Human Resources in a timely manner. This
includes name change, change of a home address or telephone number, marital status, dependent status, emergency information, office address or telephone number.

3.6 Updated 6/1/2010

3.7 Sexual Misconduct, Discrimination, Harassment, and Retaliation (Title IX)
(Federal Guidelines 29 CFR CH XIV, Section 1604.11, Section 703 of Title VII of the Civil Rights Act of 1964, as amended and ACA §5-71-208; Title IX of the Education Amendments of 1972; Arkansas State Personnel Policy; Board Policy 405.1)

3.7.1 Policy Statement. The University of Arkansas - Fort Smith is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, sexual orientation, gender identity, physical or mental disability, or genetic information. Such an environment is necessary to a healthy learning, working, and living atmosphere. Accordingly, all acts of discrimination, harassment, retaliation, and sexual misconduct as defined by this Policy are prohibited.

3.7.2 Jurisdiction and Reporting.
Jurisdiction. Under University policy, members of the University community are protected from discrimination, harassment, and misconduct in the school’s education programs and activities on the grounds set forth in the foregoing policy statement. University policy protects the University community from discrimination in all academic, educational, extracurricular, athletic, and other University programs, whether those programs take place on University property, in University transportation, or in University-sponsored programs at another location.

This Policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression. Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

Reporting. All Complaints, or any concerns about conduct that may violate this Policy, should be submitted to the Title IX Coordinator or Deputy Coordinators:

Title IX Coordinator:
Dr. Lee Krehbiel
Vice Chancellor for Student Affairs
Campus Center, Room 201
Fort Smith, AR 72913
479-788-7310
lee.krehbiel@uafs.edu

Title IX Deputy Coordinator for Faculty, Staff, and Visitors
Mandy Keyes
Coordinator, Employee Services
Fullerton Administration, Room 232
Fort Smith, AR 72913
479-788-7086
mandy.keyes@uafs.edu
For issues or misconduct not covered under the University’s anti-discrimination policy, reports should be made to the University’s EEO Officer, Bev McClendon, Fullerton Administration, Room 243, 479-788-7839, bev.mcclendon@uafs.edu; or to the University Police Department.

3.7.2.1 Filing Report with Local Law Enforcement. In some instances, sexual misconduct may constitute both a violation of University Policy and criminal activity. The University grievance process is not a substitute for instituting legal action. The University encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate. Individuals may file a report directly with local law enforcement agencies by dialing 9-1-1. Individuals may also contact any of the following, or any Title IX officer, for assistance in filing a report with local law enforcement:

- UAFS Police Department
  425 North 51st Street
  51st Street Annex
  Fort Smith, AR 72913
  479-788-7140
  Emergencies: 479-788-7911

- Fort Smith Police Department
  100 S 10th Street
  Fort Smith, AR 72901
  479-782-9131

3.7.2.2 Preserving Evidence. It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes, bathe or shower, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (e.g., bed sheets, blankets, etc.) should be placed in separate paper bags or envelopes and brought along with the victim to a local hospital emergency department or the Crisis Intervention Center, where kits will be used to collect and preserve evidence of rape and sexual assault.

3.7.2.3 Student and Visitor Responsibility to Report. Students and visitors to the University are strongly encouraged to report allegations of discrimination, harassment, retaliation, and sexual misconduct to the Title IX Coordinator and/or
deputies who are listed in this policy. A report should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the University to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

3.7.2.4 Mandatory Employee Reporting. In order to enable the University to respond effectively and to proactively stop instances of discrimination, harassment, retaliation, and sexual misconduct at the University, all employees must, within 24 hours of receiving information regarding a potential violation of this Policy, report information to the Title IX Coordinator and/or deputy coordinator(s). Only employees who are statutorily prohibited from reporting such information (e.g., licensed healthcare professionals, licensed counselors acting in their professional capacity as counselors, etc.) are exempt from these reporting requirements. This Policy is not intended to restrict curriculum, or prohibit or abridge the use of particular textbooks or curricular materials.

3.7.2.5 Off-Campus Conduct. Conduct that occurs off-campus can be the subject of a Complaint or report and will be evaluated to determine whether it violates this Policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the University’s attention.

3.7.2.6 Confidentiality. Subject to the other provisions of this Policy and the requirements of law, every possible effort will be made to ensure that all information received as part of the University’s Complaint/Grievance Procedure is treated discreetly. All parties to the Complaint are requested to maintain the confidentiality of all information received during this process. However, it is not possible to guarantee that all Complaints will remain confidential because of the University’s obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to the Title IX Coordinator, who has the authority to make such determinations.

Except as compelled by law or in the interest of fairness, just resolution, or health and safety considerations, disclosure of information contained in Complaints, their substance, procedures, and the results of investigations will be limited to the immediate parties, witnesses, and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

3.7.2.7 Availability of Counseling and Advocacy. Counseling and other mental health services for victims of sexual assault are available on campus and in the community. A consultation with one of these resources can be kept confidential. Students may use the Counseling Clinic (479-788-7398) on the third floor of the Health Sciences Building or the Student Health Clinic on the second floor of the same facility (479-788-7444). Employees of the University may be able to seek help through the Employee Assistance Program. Community mental health agencies may also be able to assist. They include:
Donald W. Reynolds Crisis Intervention Center
5603 South 14 Street
Fort Smith, AR 72901
479-782-1821; 24-Hour Hotline: 1-800-359-0056
www.fscic.org

Western Arkansas Counseling & Guidance Center
3111 South 70 Street
Fort Smith, AR 72903
479-452-6650
www.wacgc.org

Area counselors and psychotherapists in private practice can provide individual and group therapy. The Crisis Intervention Center may assist with providing referrals for individual counseling and support groups, and in identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

3.7.2.8 Education and Awareness Programs. The University’s Title IX Committee is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year in residence halls, fraternities, sororities, and for other student organizations, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted throughout the academic year.

3.7.2.9 Policy Expectations with Respect to Consensual Relations. Even consensual intimate relationships between supervisors and subordinate employees, or between faculty and their students, make the employee and the University more vulnerable for charges of sexual harassment, discrimination, and/or unethical or unprofessional behavior. Consensual relationships may lead other supervisors and coworkers, or faculty and students, to question the validity of work evaluations, work assignments, grades, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

University administrators, supervisory staff, and faculty should be aware that any intimate involvement with employees or students could subject them to formal actions if a sexual harassment/discrimination complaint is subsequently made and substantiated. Even when both parties have consented to a relationship, it is the administrator, supervisor, or faculty member who will be held accountable for unprofessional behavior.

In addition, other employees or students may allege that the relationship creates a hostile or abusive environment affecting them. If such allegations are proven true, the University will take appropriate disciplinary action, up to and including termination.
For this reason, to avoid a conflict of interest, supervisors are not to date (or otherwise engage in inappropriate personal relationships with) employees who are employed in their chain-of-command. Likewise, faculty/staff are not to date (or otherwise engage in inappropriate personal relationships with) students with whom they have an educational relationship, so as to avoid setting themselves up for charges of inappropriate behavior. An educational relationship may include, but is not limited to, the following: students who are currently enrolled in the employee’s class, students to whom the employee serves as advisor or mentor, students who participate in organizations, field trips, or other college-sponsored events in which the employee is involved in.

3.7.3 Complaint/Grievance Procedure. These procedures are intended to apply to all grievances involving discrimination, harassment, retaliation, and sexual misconduct as described in this Policy, including but not limited to those brought by a student against an employee and/or fellow student, employee against fellow employee and/or student, and third party against employee and/or student. All other grievances by students, employees, or third parties shall be addressed through other grievance procedures. The University of Arkansas - Fort Smith (hereafter the University) benefits from formal and informal procedures that encourage prompt resolution of Complaints and concerns raised by members of the University community.

3.7.3.1 Informal Complaint Process. The University does not require a Complainant to utilize the Informal Complaint Process if doing so is impracticable or unsafe, or if the Complainant believes that the conduct cannot be effectively addressed through informal means. For example, the Informal Complaint Process should not be used to address allegations of sexual assault. However, in other circumstances where it is practical and safe to do so, every reasonable effort should be made to constructively resolve issues with students, faculty, staff and administrators before pursuing the Formal Complaint Process. Under the Informal Complaint Process, a Complainant may elect to resolve his/her Complaint by discussing it with the offending party. If the offending party is an employee and satisfactory resolution cannot be reached after discussion, the Complainant may also contact the individual’s direct supervisor to resolve the Complaint. If these efforts are unsuccessful, the Formal Complaint Process may be initiated.

3.7.3.2 Formal Complaint Process. Upon receiving a report of alleged or possible violation of this Policy, the Title IX Coordinator and/or deputies (hereafter the Title IX Coordinator) will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in this Policy. The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the University’s Complaint/Grievance Procedure, as well as available health and advocacy resources and options for criminal reporting. A packet of information containing all of these materials is available and may be requested by calling the Title IX Coordinator at 479-788-7310.

3.7.4 Investigation. The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Complaints filed with the University. The Title IX Coordinator or his/her designee will investigate all Complaints of discrimination, harassment, retaliation, and sexual misconduct, and determine any
accommodations or other remedial short-term actions necessary in light of the individual circumstances presented.

The Title IX Coordinator or his/her designee will apprise the Human Resources Director and senior manager in the appropriate division or department of the Complaint, or if the Complaint is against a student, the Vice Chancellor of Student Affairs, before beginning the investigation.

The Title IX Coordinator or his/her designee, who will have been properly trained, will:
• identify the correct policies allegedly violated;
• conduct an immediate initial investigation to determine if there is reasonable cause to charge the Respondent(s);
• meet with the Complainant to finalize the Complaint;
• prepare the notice of charges on the basis of initial investigation;
• develop a strategic investigation plan, which may include a witness list; an evidence list; an intended timeframe; and an order of interviews for all witnesses, including the Respondent;
• conduct a thorough, reliable, and impartial investigation during which witnesses may or may not be given notice prior to the interview;
• complete the investigation promptly and without unreasonable deviation from the intended timeline; and,
• prepare a complete report on the investigation and findings.

The investigator(s) will then make a decision as to whether a Title IX violation(s) occurred, based on a preponderance of evidence standard, which indicates that it is more likely than not that a Policy violation occurred or did not occur. If the determination is that a violation(s) was committed, the investigator(s) will identify appropriate remedies and sanctions, if any.

As noted above, an investigation of the Complaint will be conducted by the Title IX Coordinator or his/her designee unless it is clear from the face of the Complaint or the Title IX Coordinator’s initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue violates this Policy.

In the event that the Complaint was made by someone other than the alleged victim, the Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the Complaint:
• the source and nature of the information;
• the seriousness of the alleged incident;
• the specificity of the information;
• the objectivity and credibility of the source of the information;
• whether the alleged victims can be identified; and,
• whether those individuals wish to pursue the matter.

In the event the Title IX Coordinator determines that an investigation of the Complaint should not be conducted, he/she will determine and document (in consultation, as necessary, with the alleged victim, the Respondent, and any other University administrators) the appropriate resolution of the Complaint and inform the parties of same.
With all Complaints, if the Title IX Coordinator determines that an investigation should be conducted, the Title IX Coordinator will promptly investigate the matter. The existence of concurrent criminal investigations or proceedings shall not materially delay the investigation of any Complaint filed under this Policy.

The Title IX Coordinator may assign one or more investigators to investigate the matter. The Title IX Coordinator will share the investigators’ name and contact information with the alleged victim and the Respondent and will forward the Complaint to the investigator. Within three (3) business days of such appointment, the investigator, the alleged victim or the Respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such investigator to the matter. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.

Upon receipt of the Complaint, the Title IX Coordinator will promptly begin the investigation, which shall include, but is not limited to, the following:
- conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- visiting, inspecting, and taking photographs at relevant sites; and
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies).

Throughout the investigation, the Title IX Coordinator will remain neutral. The Title IX Coordinator will obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any personally identifiable information contained in the Complaint, the Investigative Report, and for any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the Complaints.

3.7.4.1 Initial Meeting with Complainant and/or Alleged Victim. As soon as is practicable, the Title IX Coordinator will contact the Complainant and the alleged victim (if not the Complainant) to schedule an initial meeting to, as applicable:
- provide a copy of this Policy;
- provide a copy of the Discrimination, Harassment, and Sexual Misconduct Complaint Form (available online at https://my.uafs.edu (My.UAFS)) on which the Complainant may, if he or she agrees to, disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of Policy (the Complaint Form may be completed by Complainant or dictated to the Title IX Coordinator, who will confirm the accuracy of his or her documentation with the Complainant);
- explain avenues for resolution;
- discuss confidentiality standards and concerns;
- determine whether the Complainant or the alleged victim (if not the Complainant) wishes to pursue a resolution through the University or no resolution of any kind;
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.
3.7.4.2 Initial Meeting with Respondent. If the Complainant or alleged victim (if not the Complainant) wishes to pursue resolution through the University, or if the University otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator’s initial meeting with the Complainant (and, if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Investigator will, as applicable:

- provide sufficient written information, consistent with privacy laws and any request for confidentiality, to allow Respondent to address the allegation (e.g., the name of the Complainant/alleged victim, the date, location, nature of the alleged violation of Policy, etc.);
- provide a copy of this Policy;
- explain the University’s procedures for resolution of the Complaint;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- discuss non-retaliation requirements;
- inform of any interim measures already determined and being provided to the Complainant and/or the alleged victim that would directly affect the Respondent (e.g., changing his or her class or work schedule, moving him or her to an alternate residence hall, etc.);
- refer to law enforcement, counseling, medical, academic, or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes.

3.7.4.3 Interim Measures. Unless circumstances dictate otherwise, the Title IX Coordinator will promptly issue a “No Contact” order to all parties upon notice of any sexual assault complaint. In all cases, the University may implement any necessary interim measures, deemed appropriate and reasonably available, regardless of whether a complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation has commenced (by either campus administrators or law enforcement agencies). Interim measures may include, but are not limited to:

- issuing no-contact orders;
- providing an escort to ensure that an individual can move safely between classes, work, and/or activities;
- reassigning on-campus housing;
- dissolving a campus housing contract and offering a pro-rated refund;
- changing work arrangements or location;
- rescheduling class work, assignments, and examinations;
- arranging for the Complainant to take an incomplete in a class;
- reassigning class sections;
- permitting a temporary withdrawal from the University;
- providing alternative course completion options;
- providing counseling services; and
- providing academic support services.
Following the initial meeting with the Complainant and the alleged victim (if not the Complainant) the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the parties. Such determination will be promptly communicated to the persons affected.

3.7.4.4 Investigative Report. The Title IX Coordinator shall complete a written investigative report (“Investigative Report”) that shall include the following items:

- The name and sex of the alleged victim, and, if different, the name and sex of the person reporting the allegation (it should also include any other relevant protected class characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);
- a statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- the date that the Complaint or other report was made;
- the date the Complainant and alleged victim (if not the Complainant) were interviewed;
- the date the Respondent was interviewed;
- the names and sex of all persons alleged to have committed the alleged violation of this Policy (it should also include any other relevant protected status characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);
- the names and sex of all known witnesses to the alleged incident(s);
- the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- any written statements of the Complainant (or victim, if different from the Complainant), the Respondent, and any witnesses;
- summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question; and,
- the policy or policies alleged to be violated.

If the investigator(s) determines and documents, based on the investigative report and any additional interviews, that, based on a preponderance of the evidence standard, the conduct at issue constitutes a violation of this Policy, the panel will determine the appropriate remedy and/or sanction to be imposed and will forward their decision to the Title IX Coordinator for inclusion in the Investigative Report. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

In determining the appropriate remedy and/or sanction, the University will act to end the discrimination, harassment, retaliation, or sexual misconduct; prevent its recurrence; and remedy its effects on the victim and/or University community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions as deemed appropriate. The length of suspensions (for students) is up to the investigator, but
normally will not exceed the amount of time reasonably needed for the person aggrieved to finish her or his course of study at the university.

After the decision is made, the Title IX coordinator or designee will add to the final investigative report the following:

- the outcome of the hearing and any appeals that transpire;
- in consultation, as necessary, with the Complainant, alleged victim (if different than the Complainant), Respondent, and other University officials, any remedial and/or disciplinary action deemed appropriate under the circumstances;
- the response of University personnel and, if applicable, University-level officials, including any interim measures and permanent steps taken with respect to the Complainant, alleged victim (if different than the Complainant) and the Respondent; and
- a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

The Title IX Coordinator shall strive to complete and distribute the Investigative Report, concurrently, to the alleged victim and Respondent within thirty (30) calendar days following receipt of a Complaint. All parties to whom the Investigative Report is distributed pursuant to this Policy should maintain it in confidence. The Investigative Report may only be disclosed as contemplated by this Policy.

If the Title IX Coordinator finds no reasonable grounds to believe that the conduct at issue constitutes a violation of this Policy, the Title IX Coordinator will determine and document the appropriate resolution of the Complaint in the Investigative Report and will promptly notify the parties of that determination.

If the Title IX Coordinator is unable to obtain the consent of third-party witnesses, he or she will redact the Investigative Report to the extent necessary to avoid inappropriate disclosure of such witness’ personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

3.7.4.5 Appeal Involving Faculty/Staff. All appeals where the Respondent is a University faculty or staff member shall be made to the Chancellor or his/her designee. Both the alleged victim and the Respondent may appeal any or all of the Title IX Coordinator’s decision in writing to the Chancellor or his/her designee within ten (10) business days of receipt of the Investigative Report. The appealing party must also provide a copy of the appeal to the Title IX Coordinator within the same time period. The appeal should include a brief statement describing any or all parts of the Investigative Report that is being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand-delivery, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Within thirty (30) calendar days of receipt of the appeal, the Chancellor or his/her designee will make a final determination as to whether the Complaint should be closed, whether a violation of Policy has occurred, and/or whether any additional or different remedial action or sanctions are warranted. The Chancellor may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.
The Chancellor or his/her designee will concurrently notify the alleged victim and the Respondent of his/her decision.

All non-tenured faculty and staff members of the University are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with the University or be construed to prevent or delay the University from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law, or University policy. When the Respondent is a faculty member with tenure and the sanction imposed or upheld by the Chancellor or his/her designee is dismissal of the Respondent’s employment, the matter shall proceed pursuant to Board Policy 405.1.

3.7.4.6 Appeal Involving a Student. In those instances when the Respondent is a University student, the alleged victim and/or the Respondent may appeal any or all of the initial Hearing Panel’s decision to an Appellate Panel by providing a written appeal to the Chancellor or his/her designee with a copy also being provided to the Title IX Coordinator. The appeal must be submitted within ten (10) business days of receipt of the Investigative Report and must include a brief statement describing any or all parts of the Investigative Report being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand-delivery, or postal delivery. The Appellate Panel may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.

Within three (3) business days of receiving the appeal, the Chancellor or his/her designee will appoint the members of the Appellate Panel, to include at least three trained faculty and/or staff members. The Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the Complaint and the Investigative Report to each member of the Appellate Panel, and, if only a portion of the Title IX Coordinator’s findings and determinations are appealed, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the appeal hearing.

Promptly after the appointment of the members of the Appellate Panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the Respondent, setting forth the names of the individuals selected to serve on and chair the Appellate Panel. If only a portion of the findings and determination are appealed, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the appeal hearing.

The parties may challenge the participation of any member of the Appellate Panel by submitting a written objection to the Chancellor or his/her designee within three (3) working days of receipt of the notice of the composition of the Appellate Panel. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to alter the composition of the Appellate Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Appellate Panel. Any changes in the composition of the Appellate Panel will be provided in writing to both parties prior to the date of the hearing.
3.7.4.7 Submission of Written Materials. Within five (5) business days of receipt of the notice of the initial composition of the Appellate Panel, the alleged victim and the Respondent may provide the Chair of the Appellate Panel with a list of witnesses, if any, that they propose that the Appellate Hearing Panel call, and a brief description of each proposed witness’s connection to, and/or knowledge of, the issues in dispute; any supporting documents or other evidence; and a written statement of position or basis for the appeal. Information that was available but not submitted during the initial investigation may or may not be considered during the appeal hearing, at the discretion of the Appellate Panel.

3.7.4.8 Notice of the Appellate Hearings. The date for the appellate hearing will be set by the Title IX Coordinator. Not less than five (5) business days but not more than ten (10) business days after delivery of notice of the initial composition of the Appellate Panel to the parties, the Appellate Panel will provide a separate written notice to the alleged victim, respondent, and any witnesses or other third parties whose testimony the Appellate Panel deems relevant, requesting such individuals to appear before the Appellate Panel. The notice should set forth the date, time, and location for the individual’s requested presence. The Appellate Panel shall provide the names of the witnesses or other third parties that the Appellate Panel plans to call in its notices to the alleged victim and the respondent. The hearing shall be conducted within twenty (20) business days, but no sooner than ten (10) business days following the receipt of the appeal.

3.7.4.9 Failure to Appear. If any party fails to appear before the Appellate Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Appellate Panel will proceed to determine the resolution of the Complaint.

3.7.4.10 Support Persons. Both the alleged victim and the respondent may be accompanied by one support person to assist them during the hearing process. This support person can be anyone, including an attorney, but the support person may not take part in the hearing. The support person may not address the Appellate Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting. Exception: A student at UAFS who has received a suspension of ten (10) or more days, or an expulsion, through a Student Conduct or Title IX process (not an academic dishonesty process), may request a disciplinary appeal proceeding before the Appellate Panel and choose to be represented (at the student’s expense) by a licensed attorney. The student may also choose to be represented by a non-attorney advocate. A student at UAFS may also be represented by an attorney or non-attorney advocate under this exception if there is a significant possibility that the Appellate Panel may impose a sanction of expulsion or suspension of ten or more days. Either the attorney or the non-attorney advocate may fully participate during the disciplinary appeal proceeding, within the rules for appellate hearings established by UAFS.

The Chair must be notified in writing five (5) business days in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness, or, if, in the discretion of the Chair, such person’s presence would be disruptive or obstructive to the
hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this Policy. University officials may seek advice from the University’s Office of General Counsel on questions of law and procedure at any time during the process.

3.7.4.11 Evidentiary Matters. The alleged victim and the respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.

3.7.4.12 Prior Sexual Conduct. Evidence of the prior sexual conduct of the alleged victim and the respondent with others will not be permitted at the hearings, with the following exceptions:
- evidence is permitted to show that the alleged victim has in the past been formally disciplined by the University for falsely filing Complaints alleging a violation of this Policy;
- evidence is permitted to show that the respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the University for conduct which would violate this Policy, if deemed relevant; and,
- evidence regarding the past sexual activity of the respondent (regardless of whether the respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the respondent has engaged in a pattern of behavior similar to the alleged violations of policy at issue before the Hearing Panel, provided that (1) the Respondent has not been found “not responsible” by the University in a proceeding related to such conduct; and, (2) the Chair has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Appellate Panel to suggest a pattern of behavior.

3.7.4.13 Appellate Hearing Procedure. The Appellate Panel will conduct a hearing during which it will interview and question the Complainant, the alleged victim, the Respondent, and any witnesses or other third parties whose testimony the Appellate Panel deems relevant. The parties will not be allowed to personally question or cross-examine each other during the hearing, but will be allowed to question witnesses by posing questions to the Appellate Panel Chair. Questions will be required to be submitted to the panel chair in written form 48 hours in advance of the hearing and may be modified at the Chair’s discretion. Additional questions formulated during the appeal hearing will be considered by the panel chair at appropriate points in the proceedings. The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony. All participants at the hearing are expected to provide truthful testimony. The Complainant and/or alleged victim have the option not to be in the same room with the alleged Respondent during the hearing. Any party may choose not to testify or appear before the Appellate Panel; however, his/her exercise of that option will not preclude the Appellate Panel from making a determination regarding the complaint filed against the Respondent.

3.7.4.14 Decision of the Appellate Panel. Following the conclusion of the hearing, the Appellate Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report; the
parties’ written statements, if any; the evidence presented at the hearings; and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. In other words, the standard of proof will be the preponderance of the evidence. If the Appellate Panel determines that more likely than not the Respondent committed a violation of this Policy, the Appellate Panel will recommend sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question; (b) reasonably prevent a recurrence of a similar violation; and, (c) remedy the effects of the violation. The Appellate Panel may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.

Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Appellate Panel. The length of suspensions (for students) is up to the investigator, but normally will not exceed the amount of time reasonably needed for the person aggrieved to finish her or his course of study at the University.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this Policy. However, if it is deemed necessary to protect the welfare of the victim or the University community, the Appellate Panel may recommend and the Chancellor or his/her designee may determine that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

At such time that the appeal process is exhausted, the Title IX Coordinator will determine the final accommodations to be provided to the victim, if any, and the Title IX Coordinator will communicate such decision to the victim and the Respondent to the extent that it affects him/her.

The Title IX Coordinator will also take steps to prevent any harassment of or retaliation against the Complainant, the victim (if not the Complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing training for the campus community, and providing counseling for the Respondent. The Title IX Coordinator will also take steps to prevent the harassment of or retaliation against the Respondent.

Furthermore, the Title IX Coordinator will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further violation of this Policy, or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the University community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.
3.7.4.15 **Final Outcome Letter.** Within ten (10) calendar days following the conclusion of the hearings, the Hearing Panel will issue a written decision letter (the “Final Outcome Letter”) concurrently to the Respondent and the alleged victim. The Final Outcome Letter will set forth (1) the name of the Respondent; (2) the violation(s) of this Policy for which the Respondent was found responsible, if any; and, (3) the recommended sanctions imposed on the Respondent, if any. The Respondent will always receive notification of all sanctions that have been imposed. The Complainant will be notified of those sanctions that directly relate to the Complainant. However, in those cases involving allegations of sexual violence (as opposed to other harassment or misconduct cases covered by Title IX), the Complainant will be informed of the University’s final determination and any disciplinary sanctions imposed on the perpetrator, including those unrelated to the Complainant.

3.7.4.16 **Confidentiality and Disclosure.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Complaint, the Investigative Report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

3.7.4.17 **Time Periods.** The University will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible, while conducting a thorough and impartial investigation. Hearings, if they are held, will take place after the conclusion of the investigation. If hearings have taken place, both the Complainant and the Respondent generally will receive a Final Outcome Letter within ten (10) calendar days of the conclusion of the hearing.

Any party may request an extension of any deadline by providing the Title IX Coordinator or his or her respective deputies with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

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

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances that may arise. The Title IX Coordinator may also modify any deadlines contained in this Policy as necessary and for good cause.

3.7.4.18 **Acknowledgement of Responsibility.** At any time prior to the issuance of the Investigative Report or the date of his/her designated hearing, the Respondent may elect to acknowledge his/her actions and take responsibility for the alleged policy violation. In such situation, the Title IX Coordinator will propose sanction(s). If
either party objects to the proposed sanction(s), they may appeal the sanction pursuant to this Policy.

3.7.4.19 **No Retaliation.** Retaliation against any person who files a Complaint, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited. A person who believes retaliation has occurred should notify the Title IX Coordinator Compliance Officer as soon as possible.

3.7.4.20 **False Reports.** Willfully making a false report of sexual harassment is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation, or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

3.7.4.21 **Office of Civil Rights Complaint.** Although Complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. You may call 800-421-3481 to obtain further information about filing a complaint with OCR.

3.7.4.22 **Effective Dates.** The University reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the community. However, the Policy in force at the time that a Complaint is filed will be the Policy used throughout the investigation, hearing, and any appeals that are heard.

3.7.4.23 **Documentation.** The University will retain documentation (including, but not limited to, the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, any documents or evidence submitted by the parties, hearing transcripts or recordings (if any), and any written communication between the parties), for at least five (5) years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

3.75 **Definition of Terms.**

**Complainant:** Any party who makes a Complaint against a student, employee, staff member or campus visitor. Individuals who initiate sexual activity assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions. The question is whether or not the person who initiated the sexual activity knew or whether a sober and reasonable person in the same position should have known whether the other person gave effective consent.

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

If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot
understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent.

Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. States of incapacitation include sleep and blackouts. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments.

In evaluating whether a person was incapacitated for purposes of evaluating effective consent, UAFS considers two questions: (1) Did the person initiating sexual activity know that their partner was incapacitated?; and, if not, (2) Should a sober, reasonable person in the same situation have known that their partner was incapacitated? If the answer to either of these questions is “yes,” effective consent was absent.

For the purposes of this policy, incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs.

The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions. A person who initiates sexual activity must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions:

- “Do you know where you are?”
- “Do you know how you got here?”
- “Do you know what is happening?”
- “Do you know whom you are with?”

There is no consent when there is force—expressed or implied—or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.
Under Arkansas law, the age of consent varies with the degrees of assault, the age of
the actor, and the relationship of the actor to the other party. For specific information,
please refer to Arkansas Code Annotated §5-14-125, Sexual Assault in the Second
Degree.

Sexual activity with someone known to be mentally or physically incapacitated, or based
on the circumstances, or someone who could reasonably be known to be mentally or
physically incapacitated, constitutes a violation of this Policy.

This Policy also covers a person whose incapacity results from mental disability, sleep,
involuntary physical restraint, or from the taking of rape drugs. Possession, use, and/or
distribution of any of these substances, including Rohypnol, Ketamine, GHB,
Burundanga, etc., is prohibited, and administering one of these drugs to another person
is a violation of this Policy.

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

**Dating Violence:** Violence committed by a person who is or has been in a social
relationship of a romantic or intimate nature with the alleged victim. It includes any
unwelcome physical violence such as hitting, pulling, shoving, kicking, biting or throwing
things; and sexual assault, sexual exploitation, and sexual harassment.

**Discrimination (General Definition):** Conduct that is based upon an individual’s race,
color, religion, national origin, service in the uniformed services (as defined in state and
federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation,
physical or mental disability, or genetic information that excludes an individual from
participation, denies the individual the benefits of, treats the individual differently, or
otherwise adversely affects a term or condition of an individual's employment, education,
living environment or participation in a University program or activity. This includes failing
to provide reasonable accommodation, consistent with state and federal law, to persons
with disabilities.

**Discriminatory Harassment:** Detrimental action based on an individual’s race, color,
religion, national origin, service in the uniformed services (as defined in state and federal
law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or
mental disability, or genetic information. Harassing conduct may take various forms,
including name-calling, graphic or written statements (including the use of cell phones or
the Internet), or other conduct that may be physically threatening, harmful, or humiliating.
Harassment does not have to include intent to harm, be directed at a specific target, or
involve repeated incidents.

Sexual harassment is unwelcome, gender-based spoken, written or symbolic action or
physical conduct on the basis of sex. Sexual harassment includes gender-based
harassment. The unwelcome behavior may be based on power differentials, the creation
of a hostile environment or retaliation.

For the purpose of this Policy, sexual harassment can include stalking or repeatedly
following, harassing, threatening, or intimidating another by telephone, mail, electronic
communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. Sexual harassment also includes *quid pro quo* sexual harassment which exists when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

**Domestic Violence:** Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. See, also, Arkansas Code Annotated § 9-15-103 “Domestic Abuse”.

**Hostile Environment:** A hostile environment exists when there is harassing conduct based on race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or mental disability, or genetic information that is sufficiently serious (e.g., severe, pervasive, or persistent) and objectively offensive to deny or limit a person’s ability to participate in or benefit from the University’s programs, services, opportunities or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

**Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse is any sexual intercourse, however slight, by a male or female upon a male or a female that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

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

**Retaliation:** Action taken by an accused individual or by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has filed a Complaint, testified, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s Complaint or
participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

**Sexual Assault:** An actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to, involvement in any sexual contact when the victim is unable to consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast); and sexual intercourse without consent, including acts commonly referred to as “rape.”

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

- invading sexual privacy;
- prostituting another person;
- non-consensual videotaping or audiotaping of sexual activity;
- going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party’s knowledge or consent);
- engaging in voyeurism;
- non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- exposing one’s genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
- possessing, distributing, viewing or forcing others to view illegal pornography.

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

**Sexual Misconduct:** includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and dating and domestic violence.

**Stalking:** Repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, e-mail, text messages, or telephone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

**Status:** A full-time employee of the University will be considered an “employee” for the purposes of this Policy, regardless of whether he/she is also enrolled as a student. Any student who is a part-time employee will be considered a “student” for the purposes of this Policy unless the incident under consideration occurred in connection with his/her employment.

3.7 Updated 6/1/2010; 7/2014; 4/2018
3.8 Alcohol- and Drug-Free Workplace Policy; Substance Abuse Testing
(U.S. Drug Free Workplace Act of 1988; Board Policy 705.2; Governors Policy Directive #5; Arkansas State Personnel Policy)

3.8.1 Purpose of Policy. UAFS has a vital interest in providing for the safety and well-being of all employees and the public, and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the University is committed to the maintenance of a drug and alcohol free workplace. In order to further provide a safe environment for University employees and the public, the University has adopted the following Alcohol- and Drug-Free Workplace Policy for those employees.

To the extent that employees are subject to substance abuse testing for operation of motor vehicles requiring a commercial driver’s license pursuant to federal law and regulations, the motor vehicle-related policy takes precedence over this policy. However, such employees may be tested as authorized by this policy if the circumstances giving rise to such testing make the motor vehicle-related testing policy inapplicable.

3.8.2 Policy Statement. All University employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, attending University sponsored events, activities or programs, on University property, in University vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee’s system, is strictly prohibited and grounds for disciplinary action up to and including immediate discharge.

In addition, University employees are subject to disciplinary action up to and including immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, attending University sponsored event, activity or program, on University property, in University vehicles, during breaks or at lunch.

The University reserves the right to require employees to submit to urine drug testing and/or Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any University employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample shall be deemed refusal to submit to a required test.

The University also reserves the right to require return to duty and/or follow-up testing as a result of a condition of reinstatement or continued employment in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program. However, nothing in this policy obligates the University to reinstate or continue the employment of an employee who violates the policy.

3.8.3 Prohibited Substances/Legal Drugs/Unauthorized Items

a) Prohibited Substances. Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term “drugs” includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC 812, and the regulations promulgated
thereunder, as defined in the Uniform Controlled Substances Act, Ark. Code Ann. 5-64-201-216, or as defined by federal and state law), including synthetic narcotics, designer drugs, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee’s physician.

b) The abuse, overmedication, inappropriate consumption, or mistreatment of prescription drugs approved by the employee’s physician is considered to be the abuse of “drugs” as stated in § 5(a) of this Ordinance.

c) Legal Drugs. The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

d) Unauthorized Items. University employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

3.8.4 Use of Alcohol and Drugs/Prohibited Conduct. All University employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04% or greater.
- Employees shall not consume alcohol while on duty.
- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- Employees shall submit to all authorized drug or alcohol tests.
- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.
- Employees shall not abuse, knowingly overmedicate, inappropriately consume, or otherwise mistreat any prescription drugs approved by the employee’s physician. In addition, subject to disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee’s next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees, regardless of whether they are performing safety or security sensitive functions, and shall apply while on duty and during periods when they are on breaks or at lunch. Limited exceptions to this policy may be approved for official University functions conducted after normal business hours or on weekends.
3.8.5 When Drug and Alcohol Testing May Be Required. University employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances:

a) When the University has reasonable suspicion, based on observation or credible information, that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. Reasonable suspicion should generally be based on specific, contemporaneous, articulable observations or credible information concerning the appearance, behavior, speech or body odors of the employee, including, but not limited to abnormal conduct or erratic behavior or a significant deterioration in work performance; or based on other credible information regarding a violation or suspected violation of the University’s drug and alcohol policy.

b) As part of a pre-employment screening, as identified in the University’s policy on background checks and substance abuse testing.

c) When a University employee suffers an on-the-job injury or following a serious or potentially serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee, when such factors, alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.

d) As part of a return to duty or follow-up drug and/or alcohol test required under an agreement allowing an employee to return to duty following disciplinary action for a positive drug and/or alcohol test, or as the result of a condition of continued employment or reinstatement in conjunction with or following completion of an approved drug and/or alcohol treatment, counseling or rehabilitation program.

If an employee is allowed to return to duty, the employee must have a verified negative drug test and/or an alcohol test indicating an alcohol concentration of less than 0.02, and be evaluated and released by a substance abuse professional (SAP). In addition, the employee may be subject to follow-up testing. (The University also reserves the right to require return to duty and follow-up testing of an employee who has an alcohol test indicating an alcohol concentration of 0.02 or greater, but less than 0.04, based on an SAP’s recommendations.)

e) When any prohibited drug or alcoholic beverage (including related containers or paraphernalia) is found in an employee’s possession or work space or in a vehicle utilized by the employee.

f) When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

Employees required to submit to immediate drug and/or alcohol testing shall be transported to and from the testing site by human resources or another appropriate University official.
3.8.6 **Disciplinary Action.** University employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

- Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
- Drinking alcoholic beverages or using drugs while on duty; attending a University sponsored, event activity or program; on University property, excluding the residence of the Chancellor or other authorized venue; in University vehicles; during breaks or at lunch. (This provision does not prohibit consumption of alcoholic beverages by adult employees at approved University functions following University business hours).
- Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty; attending a University sponsored, event activity or program; on University property; in University vehicles; during breaks or at lunch.
- Any criminal drug statute conviction and/or failure to notify the University of such conviction within five (5) days.
- Having an alcohol concentration of 0.04% or greater in any authorized alcohol test.
- Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee’s position, the University reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

3.8.7 **Employment Status Pending Receipt of Test Results.** In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the University reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee may be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

3.8.8 **Voluntary Drug and Alcohol Rehabilitation.** If an employee who is not otherwise subject to disciplinary action voluntarily admits that he/she has a drug and/or alcohol abuse problem, University officials will meet with the employee to discuss the various treatment, counseling and rehabilitation options that are available. For purposes of this section, an employee’s admission to having a drug and/or alcohol abuse problem will not be defined as “voluntary” if it is made after the employee learns that he or she has been selected for drug testing.

These options may include allowing the employee to continue working while receiving outpatient treatment, counseling or rehabilitation in an approved drug and/or alcohol...
abuse program, or placing the employee on a medical leave of absence while he/she is receiving treatment, counseling or rehabilitation in an approved inpatient or outpatient drug and/or alcohol abuse program.

When an employee voluntarily admits that he/she has a drug and/or alcohol abuse problem, the University shall have the right to require the employee to be evaluated by SAP and/or submit to drug and/or alcohol testing prior to deciding what action is appropriate. No disciplinary action will be taken by the University against an employee who voluntarily admits that he/she has a drug and/or alcohol abuse problem in the situation described above. However, the University shall have the following rights in such a situation:

- The employee may be required to enroll in and successfully complete an approved inpatient or outpatient drug and/or alcohol abuse program, and remain drug and alcohol free for its duration as a condition of reinstatement or continued employment. However, the University will not be responsible for financial obligations associated with treatment.
- If the employee is required to enroll in such a program, he/she must submit to any drug and/or alcohol tests administered as part of the program, and provide the University with the results of such tests. The employee must also provide the University with progress reports from his/her therapist, or the agency running the program, on at least a monthly basis. (Failure to provide such reports or the results of such tests will result in discipline up to and including termination.)
- The employee shall be required to agree to be subject to unannounced follow-up drug and/or alcohol tests, at the University’s discretion.

Nothing in this provision shall prohibit the University from taking personnel actions for disciplinary or performance-related reasons notwithstanding the disclosure of a drug or alcohol abuse problem.

3.8 Updated 3/2015

3.9 Tobacco-Free Policy

(ACA §6-60-701)

UAFS is a tobacco-free campus. Smoking and the use of tobacco products (including cigarettes, electronic cigarettes, cigars, pipes, smokeless tobacco and other tobacco products) by students, faculty, staff and visitors are prohibited on all UAFS properties. The use of tobacco products is prohibited at all times in all interior space on campus, on all outside property or grounds of the campus, in all University vehicles, and in all outdoor and indoor athletic facilities. Littering the campus with remains of tobacco products or any other disposable product is prohibited.

Organizers and attendees at public events using University facilities are required to abide by the University policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing the policy.

The University is committed to support employees who wish to stop using tobacco products. For more information contact Human Resources.

Adherence to the University’s tobacco-free policy is the responsibility of all members of the
campus community. Therefore, it is expected that employees not only comply with the policy, but assist with compliance by informing violators of the policy to encourage compliance.

3.9 Adopted 11/2004

3.10 Firearms/Weapons
(ACA §562-2017; ACA §5-73-301)
Except as specifically authorized below by Arkansas law for employees with current Arkansas Enhanced Concealed Carry Weapons permit, the possession or use of weapons on University property is prohibited by federal and state law, and may result in immediate dismissal from the University. Weapons may not be kept in the buildings or in vehicles on the institution’s premises, the location of any University-sponsored activity, and any other site used for the performance of work for UAFS. Weapons covered by this policy include, but are not limited to: firearms, firearm ammunition, air pistols, air rifles, fireworks, incendiary devices, lock blade or fixed blade knives with a blade length of four inches or greater, blackjacks, metal knuckles, or any other such offensive weapons of any description. Discharging of firecrackers, bombs, or other types of fireworks is prohibited. Employees and students may possess tear-gas type products in personal use quantities for self-defense, but these may not be used for any purposes other than self-defense. Toy weapons that look like real weapons are similarly prohibited.

Violation of this policy will result in disciplinary action up to, and including, termination.

3.10.1 Policy and Procedures for Concealed Carry Weapons (CCW)
AR Act 562 allows lawful concealed carry in the buildings of, and on the grounds of, public university campuses in Arkansas with certain exceptions. Those who carry on the property of UAFS are responsible to know Act 562 and other applicable laws. Related University regulations, which include a mandate to follow the provisions of Act 562, will be enforced thoroughly and fairly.

3.10.2 Regulations. Those who carry a concealed weapon (apart from those with an active law enforcement clearance) on UAFS property must have an AR Enhanced CCW Endorsement and meet all qualifications set forth in AR Act 562-2017. Certain activities are exempted, with proper notification and signage, from otherwise legal carry under this Act; these include intercollegiate athletic events and any grievance or disciplinary hearing lasting less than nine hours. Persons carrying a concealed handgun on UAFS property are required to show their enhanced endorsement card if so requested by University Police.

A person with a license to carry a concealed handgun must conceal the weapon. Concealed, under AR Code §5-73-301, means to cover from observation so as to prevent public view. The handgun may be carried on the person or in a container directly handled by the carrier, such as a purse or backpack. Appropriate holstering is strongly recommended. A violation would occur when a person knowingly and intentionally displays the handgun in plain view of another person absent a compelling justification. If a purely unintentional and unknowing display occurs, and an otherwise concealed handgun can be seen, it is not a substantive violation, but it may result in a formal warning. However, repeated acts of ‘accidental display’ may constitute a substantive violation of this or other UAFS regulation(s).
‘Storage’ is a key concept under this law. Storage in a locked and unattended vehicle is allowed in any publicly maintained parking lot on campus, if the weapon is otherwise possessed legally. Storage in a residential facility is not allowed, and will be construed in accordance with this definition from the AR State Police: ‘to leave a handgun unattended in any location, not including a locked and unattended motor vehicle in a publicly owned and maintained parking lot as permitted by law, for any period of time, where the licensee is not in the same room and immediate vicinity (within arm’s reach) of the handgun.’ This same language will also govern in part how UAFS determines related policy violations in other parts of campus.

3.10.3 Sanctions. When a substantive violation of this policy is found to have occurred, the normal sanction for an employee will be termination from employment and a ban from the campus.

3.10.4 Enforcement Process for Complaints Made Against a UAFS Student or Employee

When the report of a possible or alleged violation of the UAFS Policy on Concealed Carry Weapons (CCW) is received by a University official, a referral will be made immediately to the University Police Department (UPD). UPD will notify the respondent of the onset of an investigation, including what portion of the policy/regulations/law is alleged to have been violated, the time and location of the alleged violation(s), and potential sanctions. An investigation will ensue in which UPD will compile evidence, interview witnesses, collect relevant documents, and make an initial determination (recommendation) as to whether a policy violation has occurred. UPD may also refer a case to Student Conduct or to Human Resources, for example if a weapon turns out to be some form of prohibited object but not a firearm capable of shooting a potentially deadly object.

If no violation of the CCW Policy and Regulations is found, the case will be closed. UPD will forward its Investigative Report to the UAFS CCW Administrative Review Team (ART), in cases involving employees, or to the UAFS CCW Appeals Board (AB), in cases involving students, for record-keeping. ART/AB will notify the employee/student of the closing of the case, without penalty.

If a violation is determined to have occurred, UPD will forward its determination (recommendation), as contained in the Investigative Report, to the UAFS Appeals Board if the respondent is a student, or the Administrative Review Team if the respondent is an employee. The hearing body will notify the student or employee of the UPD determination (recommendation), rationale and summary of the evidence, and the associated sanction(s). Depending on whether the individual found to be in violation is a student or employee, the respective rights to respond to the initial decision will be articulated (see below).

3.10.5 Process for Employee Found Initially Responsible by UPD. There is no appeal for an employee found responsible by UPD via its investigation and initial determination (recommendation). However, if UPD’s determination (and recommendation) is that a violation was committed by an employee, the Chief of Police will automatically meet with the Administrative Review Team to review the Investigative Report before the decision is implemented. In addition, the employee, who will have received notice of the initial decision (recommendation), will be afforded the opportunity to respond and challenge the recommendation either in writing or in person, at the
discretion of the Administrative Review Team. The employee will be given five (5) business days, starting the day after receipt of the initial decision, to respond. If a majority of the Administrative Review Team concurs with the Investigative Report, the decision is finalized. If a majority do not agree, either the case will be remanded to UPD for additional investigation or the recommendation will be not accepted by the Administrative Review Team, in which scenario the case will be closed without penalty.

This process constitutes the entirety of the opportunity afforded the employee, and sanctions will be implemented immediately. “The University does not give advance notice if employment is terminated for cause, such as dishonesty, insubordination, other incidents of misconduct, or unlawful behavior.”

The typical Administrative Review Team to review UPD findings of employee violations will be as follows:
1. Vice Chancellor for Student Affairs
2. Vice Chancellor for Finance and Administration
3. Vice Chancellor for Strategic Initiatives

The Chancellor may appoint an alternate member, at his/her discretion, if needed.

3.10 Updated 6/1/2010; 4/2018

3.11 Campus Notification about Registered Sex Offenders and Residential Restrictions for Registered Sex Offenders

(Campus Sex Crimes Prevention Act, 42 U.S.C. § 1407(j) and 20 U.S.C. §1092 (f) (1) (I); ACA §12-12-913(b) et seq.; ACA § 5-14-128; Board Policy 525.1)

In compliance with federal and state legislation, the University will provide timely and appropriate notification to the campus community about the presence of registered sex offenders enrolled in, attending, or employed by the University. The University Police Department (UPD) will prepare and carry out a notification plan that is appropriate for each individual sex offender. A written summary of campus guidelines and the notification plan for each offender will be maintained by UPD. Determinations about notifications will be made by UPD in consultation with appropriate campus officials, law enforcement officials, or treatment specialists, on a case-by-case basis, and guided by the offender's risk assessment level in accordance with guidelines established by the Arkansas Sex Offenders Assessment Committee.

The University reserves the right to exclude from University-affiliated housing, or to modify the housing assignment for, any other student who is required to register as a sex offender.

3.11 Adopted 6/1/2010

3.12 Employment of Relatives (Nepotism)

(Board Policy 410.1; Governor's Policy Directive #8; Governor's Executive Order 98-04; ACA §25-16-1002; Arkansas State Personnel Policy)

The practice of employing members of the same family at the University opens up the possibility of conflicts of interest and may not always be in the best interest of the institution, its staff, and the students it serves. The following guidelines are established as the conditions under which persons related (by blood or marriage) may be employed by the University:

• The individuals must meet regular University employment standards.
• Under most circumstances, related employees may not work within the same college, organizational unit or department of the University. The exception to this policy will be
faculty appointments where supply and demand and academic credentials for exceptionally well qualified faculty are factors in the employment decision.

- In no case will anyone be employed when the recommendation and/or final decision regarding employment or salary rests with a relative.
- In accordance with the Governor's Policy Directive #8, direct or indirect supervision of one family member by another family member is not allowed.

In any case where a relative of an existing staff member is considered for employment, the selecting supervisor must substantiate to his or her supervisor(s) and the Director of Human Resources that the relative is clearly the best qualified person for the position in question. The hiring action must be approved by the appropriate vice chancellor and the Chancellor.

Except in the case of a supervisor, if two employees marry during their current employment at UAFS and are then in violation of this policy, one of the two must resign within 90 days of such marriage or at the end of the contract in effect for contractual employees, if a suitable reassignment is not available. If one of the two supervises the other, one employee must resign (or be reassigned) immediately. Any reassignment is subject to availability of a vacant budgeted position, must be mutually agreeable to the employee and the University, and must be in the best interest of the institution. Additionally, employees must be fully qualified for any applicable position and may be required to compete with other applicants.

This policy does not apply to students employed in a university work-study program and to relatives employed short-term for seasonal assignments. However, in no case may an employee supervise a relative.

3.12 Updated 12/2001

3.13 Employment of Constitutional Officers and Spouses
(Governor's Executive Order 98-04; Governor's Policy Directive #8; ACA §21-8-304; Arkansas State Personnel Policy)

If an individual is elected to a constitutional office (including Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, Commissioner of State Lands, Auditor of State, member of the Arkansas House of Representatives, or member of the Arkansas Senate) he or she may not be hired by any state agency or institution after being elected and during the elected term, unless they resign the constitutional office prior to being hired.

If the individual was employed by a state agency or institution prior to being elected to a constitutional office, he or she can continue employment. However, their position cannot be reclassified unless it is a general reclassification affecting all positions in the employee class and grade equally. The employee will not be eligible to receive any pay increases, other than cost-of-living increases authorized by the General Assembly, without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

If the individual’s spouse is elected to a constitutional office, the employee may not be hired by a state agency or institution after the spouse is elected and during the spouse's term of office without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

If the individual was employed by a state agency prior to the spouse being elected to a constitutional office, or if the employee is hired by a state agency during the spouse's term of
office, the employee is subject to the following restrictions: (a) their position cannot be reclassified unless it is a general reclassification affecting all positions in the employee class and grade equally, (b) while the spouse serves as a constitutional officer and for two years after the spouse leaves office, the employee cannot be promoted or transferred without the prior approval of the Joint Budget Committee or the Legislative Council and the Governor, (c) the employee cannot receive any pay increases in excess of 15 percent without the prior approval of the Joint Budget Committee (or the Legislative Council if the General Assembly is not in session) and the Governor.

Former members of the General Assembly and their spouses cannot be employed by a state agency within 24 months after the legislator leaves office in any job which (a) was newly created by legislative action within 24 months prior to the legislator leaving or (b) had a maximum salary increase of more than 15% authorized by legislative action within 24 months prior to the legislator leaving office.

3.14 Conflicts of Interest and Commitment

University employees need to be sensitive to the possibility that outside obligations, financial interests, or employment may affect their responsibilities and decisions as members of the University community. Involvement of University employees in outside activities, both public and private, often serves the interests of the individual, the University, and the general public. Participation of individuals in activities outside the University is encouraged to the extent that the activities do not interfere with the mission of the University in preserving, generating, and disseminating knowledge.

University employees may be faced with situations that conflict with their obligations, responsibilities, and decisions related to the mission of the University. These conflicts can generally be categorized as conflicts of interest and conflicts of commitment. Conflicts of interest are situations in which University employees may have the opportunity to influence University administrative, business, or academic decisions in ways that could lead to personal gain, give improper advantage to self or others, or interfere with the preservation, generation, or public dissemination of knowledge. Conflicts of commitment are situations in which University employees' time and effort given to outside activities and interests interfere with their obligations and responsibilities to the University.

Conflicts of interest and commitment are not necessarily unwarranted, unethical, or illegal. Furthermore, conflicts of interest and commitment are not always avoidable. The failure to disclose situations that have the potential for or involve actual conflicts of interest or commitment, however, may be unethical and/or illegal.

3.14.1 Disclosure and Remediation. Situations that have the appearance of, potential for, or involve actual conflicts of interest or commitment must be reported in writing to the employee's appropriate supervisor and vice chancellor. Written disclosure should be made by the individual before any agreements are completed between the employee, University, and any outside organizations. Modifications to existing agreements should be reported as they occur. In addition, continuing agreements should be reported on an annual basis. In disclosing these situations, the employee should indicate any steps that can or will be taken to avoid or minimize any conflicts.
After consulting with the employee, considering whether an actual or potential conflict of interest or commitment exists and the ramifications for the University, the supervisor will provide the employee with a written interpretation and any proposed remedial actions. The supervisor will provide a copy of the document to the appropriate vice chancellor for approval and retention.

The following list provides some examples of the type of situations that may involve conflicts of interest or commitment and, hence, should be disclosed. Because a particular situation appears on the list does not necessarily mean that a conflict of interest or commitment exists. Even if a conflict exists, the situation may be unavoidable or in the University's best interest and, hence, allowed to continue. The list is not all inclusive. Situations, whether listed below or not, that have the appearance of, potential for, or involve actual conflicts of interest or commitment should be disclosed.

- Employee or immediate family member ownership, management, or other business ties with a private or public organization that has dealings with the University.
- Participation in outside business activities.
- Teaching credit or noncredit courses, seminars, or workshops not for the University.
- Requiring material for use by students for which the instructor derives direct or indirect financial benefit.
- Fees provided for professional service including consulting, honoraria, royalties, or expert testimony.
- Continuing role in the scientific and technical efforts of a commercial enterprise.
- Personal payments, income, gifts, or other benefits received or promised from an organization proposing or sponsoring research.
- Private remuneration for University research provided by an individual or organization.
- Revenues from patents or licensed technology.
- Service or financial interest in an entity that provides grants or contracts.
- Transfer of technology to an organization in which the employee or immediate family members have an interest.
- Time and effort in extramural activities that interfere with obligations, duties, and responsibilities to the University.
- Employee or immediate family member having a financial interest in University decisions.
- Use of University facilities, employees, or students in personal or commercial activities.
- Use of official University position for personal/family gains/interests.
- Appointment, promotion, supervision, or management of an immediate family member. (See Section 3.13)
- Acceptance of gifts or gratuities offered because of University position.
- Use of university credit, purchasing power, or facilities for non-university activities.
- Advertising endorsements based upon position.

Grants and contracts that may involve a potential conflict of interest are subject to review and approval procedures. Board Policy provides that the University shall not, without approval of the Chancellor, enter into a contract with a current or former state employee, member of the Arkansas General Assembly, state constitutional officer, or board or
commission member, or the immediate family member of any of those persons, or any entity in which any of those persons hold ownership interest of ten percent or greater.

3.14 Adopted 12/2001

3.15 Outside Employment

(Board Policy 450.1; ACA §21-8-203; Governor's Policy Directive #1; Arkansas State Personnel Policy)

Outside employment is permitted, provided employees notify their supervisor and vice chancellor and the following conditions are met:

- The employment does not constitute a conflict of interest (see Section 3.14) or the appearance of a conflict of interest.
- The employment does not interfere with the performance of the employee’s job at the University. For some classified employees this includes the ability to work overtime if required of their position.
- The work is completed off University premises.
- The work is completed on the employee’s own time, not on University work time.
- The work does not involve the use of materials, supplies, or equipment belonging to the University.
- The work does not subject the University to public ridicule, scorn, or criticism.
- Employees must submit a Disclosure of Potential Conflict of Interest and Commitment statement for review to their supervisor, who will submit it to his or her immediate supervisor for review. A copy of the document, with an approval or outlining steps to manage the potential conflict, will be returned to the employee and the original will be kept by the supervisor.

While emphasizing the fact that full-time faculty and other professional staff are obligated to devote their working time and efforts primarily to University activities, the University recognizes that a limited amount of outside work for private compensation may be advantageous to all concerned. Therefore employees are not discouraged from engaging in outside employment which will affirmatively contribute to their professional advancement or correlate usefully with their University work, provided they follow the guidelines outlined above.

If an employee has questions about whether an outside job would constitute a conflict of interest, he or she should check with their immediate supervisor, dean, department head, director or vice chancellor.

Arkansas law states that "...all state employees who are employed on a regular salary basis shall be required to disclose each source of income in excess of five hundred dollars ($500) earned during any calendar year from sources other than their regular salary from employment or from professional or consultant service rendered for any public agency." This includes income from any city, county, or school district, or any agency, division, or instrumentalities which are funded in part with funds provided by state appropriations; or any area or regional program in this state which derives financial support in whole or in part from state funds or from any nonprofit corporation, foundation, or organization.

3.15.1 Extra Income Statement. All state employees who earn extra income of $500 or more (as defined above) must file a statement with their employer on or before January 31 of each year. Extra Income Statement forms are available online at https://my.uafs.edu (My.UAFS). Return completed forms to Human Resources. Forms
3.16 Concurrent Employment

(ACA §19-4-1604 and §6-63-307(1995) (b); Arkansas State Personnel Policy)

Concurrent employment is defined as employment by more than one state institution or agency at the same time, and, in some circumstances, it is defined as employment in more than one capacity at one institution or agency.

3.16.1 Employment by Two State Agencies or Institutions. Under certain circumstances and with prior state approval, UAFS employees may work for two state agencies or institutions concurrently. The work performed for the second agency or institution must not interfere with the proper and required performance of the employee’s duties in the primary position. The combined salary payments from both agencies or institutions may not exceed the maximum allowable salary for the higher paid position, except that, under Ark. Code Ann. §19-4-1604, state employees may teach temporarily at state-supported institutions of higher education even though their combined salaries will exceed the line-item maximum. This exception is subject to the approval of the Director of the Arkansas Department of Higher Education (ADHE).

With prior written approval from ADHE, employees may be on paid leave from one state agency or institution while being paid by another state agency or institution. Contact Human Resources for more information or assistance with the concurrent employment approval process.

3.16.2 Employment in More than One Capacity at UAFS. Under certain circumstances, and with prior approval, UAFS employees may work at UAFS in more than one capacity. The following conditions/restrictions apply:

- Supervisor(s) must approve of the additional assignment.
- The work performed in the second position must not interfere with the proper and required performance of the employee’s duties in the primary position.
- The work must be performed outside of the employee’s regular work schedule or the employee’s work schedule must be altered to accommodate the additional hours.
- The combined salary from both positions cannot exceed the maximum allowable salary for the primary position.
- In the case of a part-time employee, the total hours worked may not exceed the authorized institution and state limits for part-time positions for the employee’s status.
- Prior ADHE approval may apply in certain situations.

As a general rule, internal concurrent employment excludes overload assignments for faculty and overtime assignments for non-exempt staff.

3.16.2.1 Approval Process. Concurrent employment requests must be submitted by the heads of the institutions or agencies involved, and must be approved in advance by the Director of ADHE. Contact Human Resources for more information.
**3.16.2.2 Penalties for Noncompliance.** The law penalizes employees for holding more than one position without approval. The following excerpt is from the Arkansas Code dealing with concurrent employment:

Arkansas Code Annotated 6-63-307(1995) (b) states “... Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until the employee shall repay to the State of Arkansas any sum received by such employee in violation of this section, together with interest at a rate of 10% per annum.”

If an employee is working, or plans to work, in a capacity other than their primary position or for another institution or state agency, the employee needs to verify that the work has been approved. Employees should not assume that the request was made on their behalf. Concurrent employment does not apply to secondary schools or to private colleges. It does apply to all other institutions within the University of Arkansas System.

Contact Human Resources for further information or to initiate a concurrent employment request.

3.16 Updated 12/2001; 8/2014; 7/2017

**3.17 Job Sharing**

*(ACA §21-5-203, as amended; Arkansas State Personnel Policy)*

Arkansas law allows job sharing, a form of employment in which two people arrange their work hours in a way that covers a single, regular, full-time salaried position. The combined number of hours worked by the two part-time employees cannot generally exceed the number of hours a full-time employee would work in the same position (usually 40 hours per week.) Both employees must be part-time and must use the position in the same way. For example, if the position is classified as a secretary, both employees must perform secretarial duties. Hourly positions may also be shared.

3.17 Adopted 6/1/2010

**3.18 Dress Code**

While dress is, for the most part, a matter of individual taste, all employees are encouraged to use good judgment and discretion in their dress and appearance. Personal appearance will be appropriate to the job assignment and location. While at work, employees are expected to dress in appropriate business attire and to behave in a professional, business-like manner. Appropriate hygiene is required.

Expectations may be different for individual employees – and vary by department – depending on the type of work performed and interaction with the general public. Uniforms are required in some areas. Questions about appropriate dress should be discussed with the employee’s supervisor. An employee who dresses inappropriately or who has poor hygiene will be subject to disciplinary action.

3.18 Updated 12/2001
4 COMPENSATION POLICIES

4.2 Pay Periods
Exempt employees are paid monthly on the last working day of the month. Non-exempt (hourly) employees are paid bi-weekly. For specific pay dates refer to the Bi-weekly Pay Schedule available online at https://my.uafs.edu (My.UAFS).

Approximately three days before pay day, pay information showing gross pay, deductions, and net pay will be available online. Pay stubs are available in My.UAFS via Banner Self-Service. Employees may receive a copy of their pay stub from Human Resources.

4.2.1 Monthly Payroll Deadlines. Information or changes for inclusion in the monthly payroll must be submitted to Human Resources by the 10th of the month.

4.2.3 Time Clock Policy and Guidelines. UAFS uses an electronic time tracking system called TimeForce. The electronic system enables employees to accurately keep track of their time. All non-exempt employees and supervisors of non-exempt employees are required to adhere to the following policy and guidelines.

4.2.3.1 Official Record of Time. The TimeForce electronic timekeeping system and associated work records are the official basis for recording hours worked for non-exempt employees. In order to ensure consistency of treatment of employees, the data recorded in the timekeeping system shall be considered the “official” record of the workday. Any disputes over actual hours worked or attendance will be resolved by referring to time clock records.

The Fair Labor Standards Act (FLSA) requires that employers keep certain records for employees to include detailed records on time worked and payment of wages. This system will be used to record all hours worked and leave taken during the reporting period for non-exempt personnel. Work time will be rounded to the nearest quarter hour following FLSA guidelines.

The automated timesheet must reflect all regular and extra duty hours worked for the period and paid leave time (including annual leave, sick leave, compensatory time, holiday pay, and any other type of leave.). Adjustments to hours and leave must be posted weekly by the supervisor to avoid errors and omissions that may occur if these adjustments are posted at the end of the payroll period.

Supervisors are responsible for verifying that employees have work and leave time entered in the TimeForce system. Failure to do this will result in a temporary loss of wages. Any corrections in time-entry must be submitted in writing to Human Resources. If the error results in an additional payment of wages or in wages being docked, the entry will be made on the first available pay period. ALL entries of this nature are manual and will be subject to University, UA System, and Legislative audit.

4.2.3.3 Absences from Duty. TimeForce is an electronic timekeeping system and, as such, does not remove the requirement for employees to complete a Leave Request Form or follow other departmental procedures for the use of leave when absent. Request for use of leave must be made in accordance with University policy (Refer to Section 6 Paid and Unpaid Leave).
4.2.3.3.1 Holiday Leave – If an employee is required to work a holiday or elects to take another day off in lieu of the observed holiday, the employee or supervisor must contact HR to make a manual entry in TimeForce to remove the holiday. The employee will then be required to submit a Leave Request Form when he/she uses the holiday at a later date. To be eligible for holiday pay employees must be in a “paid status” on their last scheduled work day before and their first scheduled work day following the holiday.

4.2.3.3.2 Specialty Leave – The following types of leave require supporting documentation that must be coordinated with Human Resources: Family Medical Leave, Catastrophic Leave, Legal Leave, Workers’ Compensation Leave, Military Leave, Maternity Leave, Bone Marrow Donation Leave, Disaster Service Volunteer Leave and Organ Donation Leave. To avoid a disruption in pay, employees must submit an approved Leave Request Form to Human Resources in advance. In turn, Human Resources will enter the time in TimeForce.

4.2.3.3.3 All Paid Leave Types – If an employee receives pay that they are not entitled to, their pay will be docked in a subsequent pay period. (Refer to Section 6 for more information.)

It is the employee’s responsibility to inform their supervisor of any absence from duty.

4.2.3.4 Falsification, Tampering, and Unauthorized Viewing of Time Records. Due to the severity of such infractions, there will be immediate disciplinary action taken, up to and including termination of employment. Examples include the following. This list if not all inclusive.

- Any falsification of work time or misuse of leave.
- Punching in or out for an absent or late employee.
- Failing to punch in or out in an attempt to alter/hide actual work times (reporting to work late or leaving work early).
- Interfering with other employees’ use of the time clock system.
- Any attempt to tamper with timekeeping hardware or software.
- Supervisor(s), working with Human Resources, will review the specific details of such an infraction and develop an appropriate response.

Refer to Time Clock Policy & Guidelines for additional information including the following: clock problems, employee access to online records, guidelines for supervisors, audit reports, clock disputes, lost or misplaced ID cards.


4.3 Procedures for Issuing Pay - Direct Deposit Authorization Agreement

(ACA §21-5-109, Arkansas State Personnel Policy)

Direct deposit is the standard method by which the University pays employees. As a condition of employment, employees will be required to accept payment of wages and any other non-payroll reimbursements and refunds from the University by electronic warrants transfer through automated clearinghouse (ACH). The ACH payment will be in the form of a direct deposit.
Direct deposit agreements apply to payroll checks paid on the regular pay run and career service recognition payments only. Upon termination of employment, final payroll checks are not automatically direct deposited.

4.3 Updated 7/2008; 3/2015

4.4 Payroll Deductions
(ACA §19-4-1602)
The University is required by law to withhold part of an employee’s pay each month for federal and state income taxes and for Social Security and Medicare taxes. W-2 forms are distributed by January 31 each year. Employees may opt to receive their W-2 electronically in lieu of receiving a paper copy. Electronic copies are available earlier than the paper forms, employees are notified by email when the electronic W-2 is available, and can print unlimited copies securely from their home or office. To sign up for electronic W-2 delivery, go to https://my.uafs.edu (My.UAFS). Select Employee Information, Tax Forms, and then Electronic W-2 Consent.

Generally, deductions must be authorized by state or federal law or by a signed statement from the employee approving such deductions. Federal and state income tax deductions are made according to information provided by the employee on the Federal Withholding Allowance Certificate and the State Withholding Exemption Certificate.

Employees may request that amounts be withheld for other purposes including retirement contributions, group insurance premiums, flexible spending account payments, University Foundation contributions, United Way, and for other deductions authorized by the University.

Contact Human Resources for more information or to change payroll deductions. (See Section 4.2 for payroll deadlines.)

4.4.1 Annual Payroll Authorizations. Some payroll authorizations must be renewed annually. These include, but are not limited to, deductions for flexible spending accounts. This is done in November as part of the annual open enrollment process.

4.4.2 Less Than Twelve-Month Appointments. If an employee has less than a twelve-month appointment, deductions for flex spending accounts, United Way, and University Foundation contributions are based on pay or contract installments (e.g., nine installments, nine deductions). Group benefit premium deductions will follow suit, unless an employee works over the summer, in which case premiums will be deducted in any month for which the employee is paid. If the employee does not work over the summer or works less than three months during the summer, group benefit premiums will be deducted in arrears, at a rate not greater than two premiums per month beginning in September.

4.4.3 Deferred Pay Option
(ACA 6-63-303)
Faculty and staff, who have less than 12-month appointments, may receive their annual salary on the basis of twelve equal installments, provided that no installment shall commence prior to the onset of employment. Upon termination of employment, any
earned but deferred pay will be disbursed in one single payment within 30 days of the employee’s last date of employment. Deferred Payment Agreements are available from Human Resources or online at https://my.uafs.edu (My.UAFS).

4.4 Updated 6/1/2010; 3/2015

4.5 Salary Overpayments and Other Amounts Owed to the University
(Board Policy 405.2; ACA §26-36-303, Arkansas State Personnel Policy)
It is the employee’s responsibility to notify Human Resources and his/her supervisor immediately of any salary payment errors, including overpayments. Supervisors are expected to assist and cooperate fully with Human Resources and Finance in efforts to recover salary overpayments.

It is the policy of the State of Arkansas and of the University that an individual may not profit from an error in paying an employee or vendor. The University will pursue collection of all salary overpayments from former employees in the same manner as it pursues other debts to the University.

To reduce the likelihood of salary overpayments to terminating employees, payments for accumulated annual leave may be postponed until the pay period following the employee’s last normal pay period. During this time, the employee and supervisor are responsible for ensuring the accuracy of the employee’s leave record.

If an employee owes the University any funds other than salary overpayments, the amount owed may be deducted from his/her paycheck or from other payments due to the employee, such as payment for accrued leave at the time of termination. If an employee owes the University money, while currently employed and has not responded to requests for repayment, an involuntary payroll deduction for the full amount owed will be processed for collection. If the individual is no longer employed, their final settlement with the University will be for the entire amount owed.

4.5 Updated 6/1/2010

4.6 Cost-of-Living Adjustment
The Arkansas General Assembly may, from time to time, authorize pay increases that represent cost-of-living adjustments for all classified employees. These increases are not performance based but are awarded to all full-time classified employees, subject to the availability of funds, as the cost of these raises are frequently not funded, or only partially funded, by the State.

4.6 Updated 12/2001

4.8 Indirect Pay (Benefits)
UAFS maintains a competitive benefits program within the constraints of budgetary limits for total personnel costs. The total compensation system is designed to meet the University’s obligation to protect the employee from a certain level of unexpected and catastrophic expense. The University will seek to preserve this. Employees should recognize that indirect pay in the form of benefits is a form of compensation and that every dollar spent on benefits is a dollar removed from the base of available funds for salaries. It is a shared responsibility for all employees to protect benefit dollars by wise and prudent “spending” or use of benefits. (Refer to Section 7 for benefit information.)

4.8 Updated 12/2001
The University is committed to being a comprehensive regional university while continuing to offer a variety of associate degree, technical degree, and certificate programs. Faculty members, therefore, have the responsibility to engage in all aspects of university life in order to assure the mission is accomplished and the commitment to the area served is maintained. This philosophy generates the requirement that all faculty members participate in designated core activities that form the foundation of a learning-centered institution: teaching, scholarly/creative/professional development activity, and service to the University/profession/community. The purposes of this faculty workload policy is to assure: (a) that expectations leading to achievement of the University's mission are met; (b) vigilant stewardship of scarce resources; (c) an environment in which all faculty members are fully engaged in the faculty development, evaluation, and promotion systems; and (d) fairness and consistency in assignments.

The dean of each college, in consultation with department heads, coordinators, and/or directors, will develop a reasonable workload schedule for faculty for the ensuing semester. The dean is responsible for managing student and course scheduling needs and for an equitable allocation of workload; therefore, he/she will make final decisions as to workload and assignments. Should a faculty member view the assigned workload to be unreasonable or inequitable, he/she may appeal to the Provost for a review of the assignment and its fairness and reasonableness. The Provost makes the final decision regarding appeals.

Basic duties of faculty members include teaching, scholarly and creative activity, institutional obligations, professional development, service, and fulfilling workload expectations. Membership in the academic profession carries with it responsibilities for the advancement of knowledge, the intellectual growth of students, and the improvement of society. Faculty members must order and evaluate their activities in terms of their commitment to these goals, as well as in terms of their personal and professional development. Moreover, faculty members of UAFS have an obligation to understand the nature of the institution; to appreciate its unique characteristics and its philosophy, mission, and objectives; and to work effectively to achieve those ends. The University recognizes that in order to achieve success and become a truly learning-centered institution, it must have a “highly skilled, motivated, and fairly compensated community of scholars.”

Administration and faculty members recognize the uniqueness of the University through the various types of academic programs offered in the colleges. A workload policy is needed to reflect the differences inherent in the academic environment. The following policy has been developed to address these differences while providing a learning-centered enterprise for students and a system of fair compensation for faculty members. This policy allows the University to continue to meet the needs of its constituents through offering varying levels of degrees and programs. Individual assignments may vary from workload policy as outlined in individual employment contracts. All assignments are subject to line-item maximum salary restrictions as assigned by the General Assembly for each fiscal year.

### 4.11.1 Definitions

<table>
<thead>
<tr>
<th>Appointment</th>
<th>Faculty Rank</th>
<th>Teaching Load *</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-month</td>
<td>Instructor (no scholarly/creative/professional development expectations)</td>
<td>30 hours</td>
</tr>
<tr>
<td>9-month</td>
<td>Instructor (with scholarly/creative/professional development expectations)</td>
<td>24 hours</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>9-month</td>
<td>Professorate</td>
<td>24 hours</td>
</tr>
<tr>
<td>12-month</td>
<td>Professorate</td>
<td>36 hours</td>
</tr>
</tbody>
</table>

*Non-credit teaching assignments will be counted as one load hour for every 15 contact hours.

Faculty expectations for scholarship, service, and advising are determined in consultation between the faculty member and department head/director, and approved by the dean. In general, teaching loads are distributed across all terms for which a faculty member is contracted, but can be adjusted based on departmental needs and/or opportunities for scholarly/creative/professional development activities as determined by the department head/director, and approved by the dean. Faculty members must have teaching responsibilities for each term of their contract/appointment, with the exception of faculty members on sabbatical leave.

4.11.2 Overload Assignments. Stipends for overload hours will be paid at the end of the spring semester. Faculty receiving course load reductions (release time) are not eligible for overload pay. Twelve-month faculty with no reassignments are eligible for overload pay during the fall and spring semesters. Any exceptions must be approved by the college dean and provost, in writing, prior to the onset of the assignment.

4.11.3 Release/Reassigned Time. Faculty may receive release time (reassigned time) from instruction to perform other duties related to instruction. University approved reassignments are as follows:

- American Democracy Project, 3 hours each fall and spring semester,
- Faculty Senate Chair, 3 hours each fall and spring semester,
- CALO Faculty Co-Chair, 3 hours each fall and spring semester,
- Choral/Concert Choir Director, 3 hours,
- Dental Hygiene Clinic Director, 3 hours each fall and spring semester,
- IRB Coordinator, 3 hours each fall and spring semester,
- Jazz Band Director, 3 hours,
- Symphonic Band Director, 3 hours,
- Vocal Jazz Director, 3 hours

Release time for other assignments must be approved by the dean and Provost (or designee) in advance and must be consistent with University, departmental, and college goals.

4.11.4 Department Heads/Directors. Department head/directors who supervise faculty are required to teach a minimum of 15-credit hours during the term of their contract (each year). Exceptions and adjustments to this load must be approved by the dean and Provost. Department heads/directors serve at the discretion of the dean.

4.11.5 Faculty Assigned to the Western Arkansas Technical Center (WATC) will be assigned to teach a 18-credit hour load.

4.11.6 Other Teaching Assignments.

4.11.6.1 Lab Classes. Lab (including studio and clinical) hours are calculated at 75% of contact hours
4.11.6.2 **Independent Study** will be paid at the rate of $100 per student per semester.

4.11.6.3 **New Student Orientations (NSO).** Faculty may earn additional compensation by participating in New Student Orientations. NSO rates are $100 per session for faculty not scheduled to teach in the term during which the NSO is held. Faculty with 12-month appointments are not eligible for NSO stipends.

4.11.6.4 **Internships.** Internships for Education are calculated at .60 load hour per supervised student. Supervision of clinical practice will not generally exceed 18 candidates for each faculty member per semester or 12 hours for undergraduate teaching (5 interns generate a minimum of 25 school visits). Other internships (CJ, GRS, etc.) are paid as an additional assignment at $100 per student per semester.

4.11.6.5 **Concurrent Credit Courses** (taught at area high schools) will be paid at the prevailing adjunct rate with the lead UAFS faculty receiving half of the payment and the high school teacher receiving half of the payment. This is considered an additional assignment, therefore, faculty do not receive credit hour load.

4.11.6.6 **Private Music Instruction.** Credit hours for private instruction are counted as follows: two credit hour lesson = 2/3 of a load hour (i.e., calculation is 2.00 load for 3 students); and one credit hour or less = 1/3 of a load hour for full-time faculty. Applied music instruction taught by adjunct faculty will be treated as independent study and will be compensation at $325 per credit hour lesson.

4.11.7 **Office Hours.** Faculty are required to maintain a minimum of eight (8) office hours per week with times approved by department head/directors and the dean. Adjunct faculty are required to maintain a minimum of one office hour per class per week.

4.11.8 **Summer Teaching Loads.** Summer courses will be assigned first to faculty with 10- to 12-month appointments (where pay is mandated by contract). If there are no 10- to 12-month faculty available to teach the courses, assignments will go next to other full-time faculty, then to adjunct faculty. The rate of pay for summer classes is $1,250 per load-hour, capped at 12 credit hours, for a maximum of $15,000. Adjunct faculty will be paid at the normal adjunct rate for the assignment. Summer teaching loads will be limited to the equivalent of two courses per summer term with the exception of overlapping courses (e.g., courses that span both summer terms). Non-teaching assignments, with the exception of those approved in advance by the Provost, will be equated to credit-hour assignments and counted as reassigned time for pay.

For full pay, the minimum class size requirement will be 15 students. If less than 15 students, pay will be prorated based on the number of students enrolled, down to a minimum of 5 students. An exception will be made for class sizes when accreditation requirements limit the number of students to a number less than 15. In that case, full pay will be paid for maximum enrollments allowed by accreditation, with pay prorated for anything less. Refer to Summer Pay Worksheet online at [https://my.uafs.edu](https://my.uafs.edu) (My.UAFS).
With the exception of those approved by the Provost, non-teaching assignments will be equated to credit-hour assignments and counted as release or reassigned time for pay (40 clock hours equals 1 load hour).

**4.11.9 Faculty with Visiting Appointments.** Visiting faculty are placed on one-academic year (typically 9-month) appointments with the following load expectations: 15-18 hour loads each semester with no scholarly/creative/professional development expectations or 12-hour loads with scholarly/creative/professional development expectations. Visiting scholar/artists-in-residents will carry a teaching load and other duties as approved by the dean and provost. The pay for visiting faculty will be determined by the dean and approved by the provost, and will include full-time benefits. Pay is based on the teaching load and will be adjusted if the contractual load changes.

**4.11.10 Faculty with Temporary Full-Time One-Semester Appointments.** Under extenuating circumstances, faculty may be hired on a one-semester basis. Workload assignments will be 12 or more credit hours per semester. The pay for temporary faculty will be on a per-credit-hour basis, based on academic credentials and will not include full-time benefits.

**4.11.11 Adjunct Faculty Loads.** Assignments for adjunct faculty will be limited to two to three classes per semester, not to exceed 10 credit hours. Adjunct faculty participating in patient care clinical areas may not exceed 450 contact hours per semester. Adjunct pay may vary by college. Adjunct faculty are limited to a maximum of 10 load hours per semester, 20 load hours per calendar and fiscal year. Adjunct faculty teaching clinical classes may not exceed 450 contact hours per semester and 900 per calendar and fiscal year. Workloads will be calculated according to IRS guidelines for adjunct faculty, including all assignment (credit instruction, non-credit instruction, and non-instructional).

Faculty Workload Policy questions should be referred to the Office of the Provost.

Section 4.11 Updated 4/1/2009; 3/2015; 7/2017

**4.12 Faculty Evaluation and Promotion System**

**4.12.1 Faculty Evaluation.** The Faculty Evaluation Process represents a comprehensive, individualized approach to reviewing and evaluating faculty. It gives power to faculty members to define their own collective professional image.

Every faculty member will enter into an evaluation agreement with the dean prior to the evaluation cycle. This agreement gives the faculty member an opportunity to frame his/her evaluation—within predetermined ranges—around those roles in which he/she will be most heavily involved during any particular evaluation cycle.

The process provides a structure for evaluating three faculty roles: (1) Teaching/Learning; (2) Scholarly/Creative/Professional Development Activities; and (3) Service to the University, the communities it serves, and the profession.

**4.12.2 Promotions.** All faculty, including adjunct, visiting and other non-ranked faculty are subject to some level of evaluation. Only full-time ranked faculty are eligible for promotion.
4.12.3 Ranks and Appointment Definitions. UAFS recognizes differences in the professional responsibilities and credentials for faculty members who teach in traditional academic programs from those teaching in select technical programs leading to applied associate degrees and/or certificates. As a result, faculty rank tracks have been developed to include the following academic ranks: Professor, Associate Professor, Assistant Professor, Senior Instructor, and Instructor.

Faculty in non-ranked positions may also have working titles of any of the titles listed above preceded by Visiting, e.g., Visiting Professor.

The complete Faculty Evaluation and Promotion System Policy document, including timelines, forms, the University Promotions Committee list, and information and tips for portfolio preparation are available online at https://my.uafs.edu (My.UAFS).

Faculty Evaluation and Promotion System Policy questions should be referred to the Office of the Provost.

4.12 Updated 9/2008; 7/2017

4.13 Garnishments and Salary Liens
If an employee has wages or other amounts due from the University seized by a court order of garnishment, the University is required by law to comply with the court order. Governmental liens resulting from claims for unpaid taxes, bankruptcy claims, and child support orders must also be honored. When the University receives a court order for garnishment or a salary lien, it must pay the required amount directly to the clerk of the court or the governmental agency. Any defenses must be made to the court or governmental agency. For additional information contact Human Resources.

4.13 Updated 12/2001
5 ATTENDANCE AND WORK SCHEDULES

5.1 Work Hours

(Arkansas State Personnel Policy)
Most offices and departments, with the exception of those open later hours and weekends to
serve students, are open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday.
Department administrators may establish other working hours, as long as all full-time employees
work a 40-hour work week. The normal work schedule for most staff is 8:00 a.m. to 5:00 p.m.,
Monday through Friday, with a one-hour unpaid meal period. There are exceptions, where
individuals or entire departments work a different schedule. Supervisors have the authority to
approve occasional, non-routine deviations in work schedules. Regular work schedules that
deviate from policy must be approved by the Vice Chancellor for Finance & Administration.
Faculty hours vary by assignment.

Staff are expected to arrive at the job site within a reasonable time before the start of their work
schedule and to leave the job site shortly after completion of their work schedule. Punctuality
and regular attendance during scheduled work periods are requirements for continued
employment with the University for all employees.

5.1.1 Flex Time. Due to the nature of some jobs, because of after-hour, weekend, or
on-call events, some employees may frequently be required to work a schedule that
differs from their regular daily schedule. This is done at the direction of the supervisor to
meet the needs of the University. The schedule may occasionally result in overtime work
(comp time) but must not create a pattern of overtime work. When there are no work
related assignments causing flex time work, the employee must maintain the work hours
required of their assigned work unit.

5.2 Work Schedules - Faculty
A full-time faculty workload may include instruction, office hours, assistance to students,
advising, mentoring, professional development, research, instructional development, internal
governance activities, University and community service, and other related duties as needed to
serve students and further the goals of the institution, such as attending graduation and pinning
ceremonies, recruiting, job placement activities, etc.

Workload expectations for faculty will vary according to work assignments and agreement, and
faculty are expected to work with department heads/deans to determine appropriate scheduling.
The work schedule may include evening and weekend classes as assigned by the department
head. With the approval of the dean, faculty can “bank hours” by teaching an overload in an
earlier semester (typically fall) to be used later in the same academic year. Banked hours
cannot cross fiscal years. Banked hours not used prior to the end of the academic year will be
converted to overload pay.

In addition to teaching duties, faculty will maintain scheduled office hours in order to be
available to students. The schedule for office hours (working with students outside of class) is a
minimum of eight hours per week. Web enhanced/hybrid classes will be treated as regular on-
site classes and require office hours. The faculty must be available to assist students during
posted office hours. Department heads and faculty will work together to schedule office hours so
that students may have access to full-time faculty throughout the academic day. Approved office
hours will be posted each semester and must be observed by the faculty member.
Any faculty having less than the required minimum teaching load will be assigned additional duties in order to maintain full-time pay and status or will have their pay reduced proportionately. The exception to this policy with when a faculty member has banked hours in the fall for a reduced spring teaching load. If a teaching load falls short in the fall, the hours must be made up in the spring. (For additional information refer to Section 4.11 Faculty Workload Policy.)

5.2 Updated 6/1/2010; 3/2015

5.5 Attendance and Punctuality
Even the most efficient employee is of less value when he or she is late or absent from work. The University’s ability to effectively serve customers is threatened when employees are late or absent. The following procedures are to be followed if an employee is going to be absent or late:

- If an employee is going to be absent from work for any reason, the employee is responsible for notifying their department or supervisor within the first hour of their regularly-scheduled time for reporting to work. Earlier notification may be required when an employee holds a position that requires someone’s presence in the employee’s absence, i.e., the employee is responsible for meeting a class, opening or “attending” a department or public workstation (switchboard, cashier, receptionist, etc.).
- Given the diversity of operating functions on campus, each department has the option of requiring earlier notification, of requiring personal notification by the employee, and/or of requiring that a specific person or persons be notified.
- If ill, unless released from work for a specific period of time as verified by a doctor’s statement, employees must call work each day to advise their supervisor that they will not be at work.
- An employee is required to furnish a certificate from an attending physician for five or more days of sick leave; however, an employee may be required to furnish a certificate from an attending physician for any use of sick leave. After an extended absence of more than five days, an employee may be required to furnish a return to work certification from an attending physician.
- Habitual lateness will not be tolerated by the University.
- If an employee does not notify their department that they will be absent or late, their absence will be considered unauthorized. Failure to report to work when scheduled may result in disciplinary action, up to and including termination.

5.5.1 Job Abandonment
It is mandatory that employees notify their supervisor when they do not report to work. If an employee is absent for two working days without calling in or making other specific arrangements, it will be assumed that the employee does not intend to return to work and they will be considered as having voluntarily quit. Any unexcused absence from work, regardless of duration, may lead to disciplinary action, up to and including termination.

5.5 Updated 12/2001; 3/2015; 3/2019
5.7 Inclement Weather
(Arkansas State Personnel Policy; Governor’s Policy Directive #7)

The general policy of the University is to remain open. However, if severe and unexpected conditions make it necessary for the University to be closed, campus closing announcements will be made via several sources. The best way to receive information regarding campus closing is Lions Alert, the university’s emergency notification system. The system can contact you via, email, text message, and/or phone call if you’re subscribed. (See Section 9.16, Lions Alert Text Messaging Service for more information).

Consult the following sources for information:

- Go to UAFS news online at http://uafs.edu, look under “UAFS News,”
- Call UAFS’s main number at 479-788-7000 for a recorded message,
- You can also check the University’s Facebook and Twitter accounts for notifications, or
- Tune to local television and radio stations for public service announcements.

When relying on public service announcements, it is advisable to double check more than one source as a means of obtaining information since some stations do not allow for different announcements for day and night classes.

5.7.1 Day Classes. Classes starting between 7:00 a.m. and 3:30 p.m. are considered day classes. The decision to cancel day classes will typically be announced by 11:00 p.m. the evening prior. If no announcement is made, classes will be held.

5.7.2 Night Classes. Classes starting at or after 3:45 p.m. are considered night classes. The decision to cancel night classes will typically be announced prior to 2:00 p.m. If no announcement is made, classes will be held.

5.7.3 Off-Campus Classes. Off-campus sites will follow closing announcements for the facility where the classes are being held. If the facility is closed by the organization that maintains it, University classes at that site will not be held. Off-campus sites owned and operated by the University will follow closing announcements for the main campus.

Some employees may be required to report to work because of the nature of work to be done. Unless told otherwise by a supervisor, employees do not report to work when classes are cancelled or the campus is closed. Employees should contact his or her supervisor for additional information.

Employees are expected to make their own determination about whether to attempt to come to work and should make every attempt to get to work within the bounds of their personal safety.

- If inclement weather disrupts travel during early morning hours, employees will be given credit for a full day’s attendance if they arrive at work within two hours of their normal starting time.
- Employees arriving later than two hours are to submit a leave form for their period of absence, and their leave will be charged accordingly.
- If an employee does not report to work because of weather conditions when campus is open, they will be charged annual leave or leave without pay. Depending on the circumstances, this may be considered an excused absence. Employees are responsible for notifying their supervisor if they do not report to work because of inclement weather.

5.7.4 Tornados. Sebastian County will issue a tornado warning through the National
Weather Service (NWS) at Tulsa. University personnel and students will be alerted through several methods, including the Civil Defense sirens that will sound to alert people outside to seek shelter, as well as Lion’s Alert. After a tornado warning is issued, all University personnel and students are to seek shelter immediately. Do not return to offices or classrooms until an “all clear” is announced. For more information, there is an Emergency Action Plan Quick Reference Guide located in each department and online at https://my.uafs.edu (My.UAFS).

5.7 Updated 6/1/2010; 3/2015; 3/2019
6 PAID AND UNPAID LEAVE

6.1 University Holidays

(ACA§§ 1-5-101 through 104, Arkansas State Personnel Policy)

There are twelve (12) paid holidays and two to three additional days when the University is closed. The schedule includes the following holidays:

- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving (subject to Governor’s proclamation)
- Christmas Eve
- Christmas Day
- Veterans Day (observed in December)
- Employee’s Birthday (observed in December)
- New Year’s Day
- Martin Luther King’s Birthday
- George Washington’s Birthday/Daisy Gatson Bates Day (observed in March)
- Memorial Day

In order to give employees time to spend with their families through the holiday season, campus is closed from Christmas Eve through New Year’s Day. Veterans Day and the Employee’s Birthday are used during this period. Employees will be charged annual leave (or leave without pay) for any other days during that period not covered by holidays, typically two to three days. Campus may be closed prior to Christmas Eve or after New Year’s Day, when being open on those days would result in a one-day workweek. In those cases, employees will be charged annual leave.

Campus is closed on the Friday following Thanksgiving. This is tentatively scheduled as a holiday; subject to the Governor’s proclamation declaring that day a State holiday. In the absence of such a declaration, employees will be charged annual leave (or leave without pay).

Campus is closed on the Friday of spring break week. George Washington’s Birthday/Daisy Gatson Bates Day is used on this day.

When a holiday falls on a Saturday, the preceding Friday is observed; when a holiday falls on a Sunday, the following Monday is observed. For exact dates, check the Holiday Schedule online at https://my.uafs.edu (My.UAFS) or contact Human Resources.

Full-time employees receive full pay (eight hours) for the holidays listed above, provided they are in a paid status on the last regular workday preceding and the first regular workday following the holiday. Eligible employees with less than 100% appointments receive holiday pay proportionate to their appointment. Faculty and staff with less than 12-month appointments receive holiday pay for any holidays that occur during their term of appointment. Except for holidays, faculty and staff are expected to be on duty throughout the period of their appointment, consistent with their individual workload assignments, unless they are on leave consistent with university policy.

Regular part-time employees scheduled to work 20 hours or more per week are eligible for holiday pay at a rate of four hours per holiday. To be eligible, the employee must work the scheduled day before, and the scheduled day following, a University holiday.
Occasionally, an employee may be required to work on a holiday. In that case, the employee may be granted time off on another date that is convenient for the employee and the department. When possible, the time should be taken within 30 days following the holiday. Unused holiday leave is cumulative; however, holiday leave cannot be carried forward from one fiscal year to the next. Therefore, any unused holiday leave will be forfeited as of June 30 of each fiscal year. If the workload in the employee’s department makes it difficult to arrange an alternate day to observe the holiday, the employee may be paid for the holiday, at their regular rate, in accordance with provisions of the Fair Labor Standards Act. 6.1.

Updated 06/1/2010; 3/2015; 3/2019

6.2 Annual Leave
(Board Policy 420.1, 420.2; Arkansas State Personnel Policy)

6.2.2 Non-Classified Employees. Full-time 12-month employees accrue annual leave at the rate of 22.5 days per year. Faculty with less than 12-month appointments follow the academic calendar and do not accrue annual leave. Other non-classified employees with less than 12-month appointments accrue annual leave on a prorated basis. Employees with 80% appointments accrue annual leave proportionate to their appointment.

6.2.3 Usage Guidelines. All annual leave is cumulative; however, no more than 30 days of annual leave may be carried over to the next calendar year. Days in excess of 30 will be lost as of December 31 of each year, however, accrued annual leave totals may exceed 30 days during the calendar year. Annual leave must be earned before it can be used. According to state guidelines, leave accrued during a calendar month is not considered to be earned until the last working day of the month; therefore, accruals are credited at the close of business on the last working day. Employees may not borrow from anticipated future accruals. Paychecks will be docked for time used in excess of time accrued.

Employees continue to earn annual leave at their normal accrual rate when they are on leave with pay. Employees do not earn annual leave during a month when on leave without pay for 10 or more cumulative days.

Employees may request annual leave at any time. Requests must be made in advance, following the procedures established by their department and must be approved by the supervisor in advance. If an employee fails to make proper application for annual leave, such absences will result in docked pay. Supervisors may require that annual leave be taken at times when it will be most convenient for, and least disruptive to, the department. In some cases, employees may be required to use annual leave on specific dates, i.e., if the department is closed for business. Leave request forms (if required by your department) are available online at My.UAFS

6.2.4 Termination of Employment. If an employee ends his or her employment with the University for any reason, including termination, retirement, or resignation; the employee’s final pay will include a lump sum payment for any accrued, unused annual leave, up to 30 days or 240 hours. (This does not apply if transferring to another State agency or institution, in which case, leave will be transferred to the new employer.) Annual leave balances will be paid in a lump sum and may not be used to extend employment. Likewise, annual leave may not be used to fulfill the requested notice period required upon termination in order to be considered eligible for rehire. Upon the
death of an active employee, the amount of unused annual and holiday leave due the employee will be paid to the employee’s estate or authorized beneficiary, up to 60 days or 480 hours of annual and holiday leave.

6.2.5 Other State Service. Employees may be able to transfer leave balances to and from one Arkansas state agency or state-supported institution of higher education, subject to state guidelines. Classified employees who have worked for another agency or institution may be given credit for eligible full-time service.

6.4 Sick Leave
(Board Policy 420.1, 420.2, 420.3; Arkansas State Personnel Policy; ACA § 21-4-501 through 504, §19-4-1607(b) (2), and § 19-4-1613(a))

6.4.1 Definition. Sick leave is a benefit available to University employees who are employed half-time or greater and on at least a nine-month appointment period. Paid sick leave is not granted as vacation leave and can only be used when (1) the employee is unable to perform the employee’s regular duties because of sickness or injury; or (2) for treatment by or consultation with a licensed healthcare provider. Sick leave may also be granted to employees due to the death or serious illness of a member of the employee’s immediately family. Immediate family shall mean the employee’s parent, sibling, spouse, child (including an adoptive child), grandparent, grandchild, in-law, or any individual acting as a parent or guardian of the employee. Serious illness for the purpose of this policy includes pregnancy- and maternity-related health condition.

6.4.2 Accruing Sick Leave. All eligible full-time (100%) employees accrue sick leave at the rate of one day per month for each full month of service, up to a maximum annual carryover of 960 hours. Part-time benefit’s eligible employees working less than full time accrue sick leave in the same proportion to time worked. Employees do not earn sick leave for any month during which they are on leave without pay for 10 or more cumulative days.

6.4.3 Sick Leave Authorization. Sick leave must be earned before it can be used. According to state guidelines, leave accrued during a calendar month is not considered to be earned until the last working day of the month; therefore, accruals are credited at the close of business on the last working day. Employees may not borrow from future accruals. Pay checks will be docked for time used in excess of time accrued.

Sick leave may be used for the following purposes only: when an employee is unable to work because of sickness or injury; for medical, dental or optical treatment; to attend funerals (not covered by bereavement leave); or for the serious illness of a member of the employee’s immediate family. Immediate family is defined as father, mother, sister, brother, spouse, child, grandparents, grandchild, in-laws, or any individual acting as a parent or guardian of an employee.

The use of sick leave is contingent upon the occurrence of one of the events listed above. If the event never occurs, the employee is not entitled to sick leave benefits. Sick leave may not be used in addition to, or instead of, annual leave. Employees may not use sick leave at UAFS for any time period in which they are working a second job for pay, profit, or gain.
6.4.4 Usage Guidelines/Requests for Sick Leave. If an employee cannot report to work because of illness or injury, they must notify their supervisor within the first hour of the work day. Some departments may require earlier notice. Notification must be made on the first day of an illness and on each subsequent work day unless a physician’s statement has been provided, in advance, defining a range of time the employee will be absent. When returning to work after an extended absence because of illness, injury or surgery, employees are required to provide a doctor’s statement releasing them to return to work.

Requests for sick leave shall be submitted in advance, unless the circumstances make this impracticable. In that event, a request for sick leave must be submitted within two days after the employee returns to work. Foreseeable sick leave requests may include those for medical, dental, or optical appointments or elective medical/surgical procedures or hospitalization. If an employee fails to make proper application for sick leave, such absences will be charged to annual leave or leave without pay. Employees may be asked to schedule elective non-emergency procedures and/or routine appointments at times that will be least disruptive to the workload of the department. Sick leave may be used for medical appointments in increments needed to cover the appointment and travel time. Sick leave may be used in quarter-hour increments (15 minutes).

Sick leave may be granted only for a period when the employee is in an appointed status. For the purpose of this policy, academic employees who are in a pay status (not deferred pay) during the summer term will be considered to be in appointed status. For academic employees on less than a 12-month appointment, sick leave that begins during the spring semester shall not extend into the summer session and may resume in the fall semester if the employee is otherwise eligible for sick leave and has received a benefits eligible appointment for the fall semester.

If an employee is absent from work because of an illness or injury or for any other reason that makes the employee eligible for sick leave (except maternity leave) their leave will be charged in the following order: (1) earned sick leave, (2) earned annual leave, (3) earned compensatory or holiday time, (4) leave without pay. (See Section 6.9, Maternity Leave, for more information.)

An employee who is absent from work due to a temporary occupational injury or illness and who is entitled to Workers’ Compensation benefits may, upon proper application, utilize their accrued sick leave as a supplement to Workers’ Compensation so as to receive weekly benefits from both sources equal to, but not in excess of, their normal weekly pay at the time of injury or onset of illness. This option, when exercised, will reduce the employee’s accrued sick leave on a basis proportional to the sick leave being claimed. An employee receiving Workers’ Compensation benefits for a permanent disability is also eligible to utilize accrued sick leave.

An employee shall be required to furnish a certificate from an attending health care provider for five or more consecutive days of sick leave and may be required to furnish a certificate for purposes of the Family Medical Leave Act (FMLA) for a serious health condition that continues for three or more consecutive days. A certificate from a Christian Science practitioner listed in the Christian Science Journal may be submitted in lieu of a physician’s certificate.
Sick leave shall run concurrently with leave taken under the Family Medical Leave Act.

Supervisors may request that an employee furnish a certificate from an attending physician for any use of sick leave. Supervisors may also request a statement of a prognosis for chronic illnesses or illnesses or injuries that require extended periods of recuperation. Fraudulent claims of illness or injury and other abuse of sick leave will result in disciplinary action and could result in termination of employment.

6.4.5 Return to Work. When an employee is recuperating from an injury, illness, or surgery and their doctor approves their return to work, but places restrictions on what the employee can do, the University will make every effort to accommodate the restriction if an accommodation can be made within the scope of their job. Such an accommodation is not always possible and is not guaranteed. The employee will be required to provide a statement from their physician releasing them to full duty or identifying restrictions. Supervisors will review the restrictions to determine whether an employee can successfully carry out their job responsibilities within the limitations they impose. An employee’s physician may be contacted to obtain further information about restrictions and/or the employee may be required to get a second opinion. (Release to Work Form available online at https://my.uafs.edu (My.UAFS).

6.4.6 Payment for Sick Leave Upon Retirement. In compliance with Arkansas Code 2-4-501, classified employees are eligible for payment of a portion of accrued sick leave in the employee’s final pay. For the purpose of determining eligibility of accrued sick leave payout, classified employees whose employment is voluntarily terminated will be considered to have retired when:

1. as of the date of termination, the sum of the employee’s age and continuous years of service with the University is at least seventy (70); and immediately prior to termination, the employee has completed ten (10) or more consecutive years of service with the University; or
2. as of the date of termination, the employee is age 65 or older; and immediately prior to termination has completed five (5) or more consecutive years of service with the University; or
3. the employee has retired under an early retirement agreement approved by the Board of Trustees and the University of Arkansas.

Academic and non-classified employees who retire receive no payment or other compensation for accrued sick leave.

6.5 Leave for Organ or Bone Marrow Donation

(ACA §21-4-215; Arkansas State Personnel Policy)

If an employee serves as a human organ donor, they may take up to 30 days additional leave with pay at the time they make the donation. If they serve as a bone marrow donor, they may take up to seven days additional leave with pay at the time of the donation. This leave will not affect other leave accrual or time credited toward career service.

6.5 Updated 6/1/2010
6.6 Bereavement Leave
(Arkansas State Personnel Policy)
Employees may be granted up to five days of paid bereavement leave for the death of an immediate family member. Immediate family is defined as the father, mother, stepfather, stepmother, sister, brother, spouse, child, grandparents, in-laws, or any individual acting as a parent or guardian of an employee.

Employees are not automatically entitled to five days of paid bereavement leave. The length of leave is determined by individual circumstances (relationship to the deceased, location of funeral, etc.). Employees who are in an unpaid status are not eligible for paid bereavement leave.

6.6 Updated 12/2001

6.7 Leave for Grant Employees
Employees of the University working under a federal, state, or other funded grant or award are eligible for the same leave benefits as other employees, provided the terms and conditions of the funded grant or award provide for such benefits. Grant employees whose projects are ending must use all accrued annual leave prior to the ending date of the grant. The only exception to this is when there are sufficient grant funds to cover a lump sum payment for accrued leave and such payment is authorized under the terms of the grant.

6.7 Updated 12/2001

6.8 Family and Medical Leave
The University recognizes the importance of achieving a healthy balance between work and family responsibilities. The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees to take up to 12 weeks of leave (paid and/or unpaid) to care for a newborn or newly adopted child, to recuperate from their own serious illness, or to care for a seriously ill family member. Eligible employees with a spouse, child or parent on active duty or call to active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Also, certain family members of the Armed Forces are allowed up to 26 workweeks of leave to care for ill or recuperating family members (see Military Caregiver Leave below).

For more information, refer to Employee Rights and Responsibilities under the Family and Medical Leave Act available online at https://my.uafs.edu (My.UAFS).

6.8.1 Employee Eligibility. To be eligible for FMLA leave, an employee must have been employed by the University for at least 12 months and must have worked at least 1,250 hours during the 12-month period prior to the beginning of leave. However, if an employee is on leave at the time they become eligible, any portion of the leave taken for an FMLA-qualifying reason after they meet the eligibility requirement will be designated as FMLA leave.

6.8.2 Leave Entitlement. FMLA entitles eligible employees to a total of 12 workweeks of leave during a 12-month period for any of the reasons listed below.

a. Birth, adoption, or foster care. A new parent or foster parent is entitled to FMLA leave for the birth and care of a newborn or newly adopted child, or for placement of a foster child, during the 12-month period beginning on the date of birth or
placement. An employee’s entitlement to FMLA leave for this reason expires at the end of the 12-month period beginning on the date of the birth.

b. **The employee’s serious health condition, as defined by law.** This includes an employee who requires inpatient treatment, has a chronic health problem, is incapacitated for more than three consecutive calendar days while receiving medical treatment, has a non-chronic health condition that could result in a period of incapacity for more than three calendar days without medical treatment, is pregnant (including prenatal appointments for both mother and father), or is receiving treatment for substance abuse.

c. **A serious health condition, as defined by law, of an employee’s spouse, child, or parent;** and for whom the employee is needed to provide care.

d. **Qualifying Exigency Leave.** Employees may take FMLA leave while the employee’s spouse, child, or parent is on active duty, or called to active duty status (as defined in Final FMLA Regulations 29 C.F.R.) for one or more of the following qualifying exigencies:
   - short-notice deployment,
   - military events and related activities,
   - childcare and school activities,
   - financial and legal arrangements,
   - counseling,
   - rest and recuperation,
   - post-deployment activities,
   - additional activities not encompassed in the other categories, but agreed to by the employer and employee.

e. **Military Caregiver Leave.** Certain relatives of members of the Armed Forces are allowed up to 26 workweeks of leave to care for an ill or recuperating spouse, son, daughter, parent, or next of kin (as defined below). The employee must be needed to care for an active member of the Armed Forces, National Guard, or Reserves, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retirees list, for a serious injury or illness. The 26 weeks must be in a single 12-month period, which begins the first day an employee takes leave to care for a covered service member and ends 12 months later. If the 26 weeks is not used, the balance is forfeited. This leave can be taken only once during a single 12-month period. Employees are limited to a combined total of 26 workweeks of leave for all qualifying reasons during that period, with the regular 12-week limit applying to other FMLA reasons for leave.

If an employee and their spouse are both employed by the University, they are entitled to a total of twelve weeks leave, rather than twelve weeks each, for the birth or adoption of a child or to care for a sick parent. However, each employee is entitled to twelve weeks of FMLA leave for their own serious health condition or to care for their child or spouse with a serious health condition. An employee and spouse are entitled to a combined annual total of twelve weeks of FMLA leave to care for their own parents (not parents-in-law.) In the case of Military Caregiver Leave, an employee and spouse who are both employed by the University may be limited to a combined total of 26 workweeks of leave during the single 12-month period.
6.8.3 Designation of Family and Medical Leave. Family and Medical Leave is leave without pay. However, the University requires employees to use all accrued paid leave (when eligible) for as much of the FMLA period as it will cover. If an employee has exhausted all paid leave, the balance of the FMLA leave is unpaid. If the reason for the leave is the birth or adoption of a child, employees may take unpaid leave.

Paid leave to handle personal and family medical needs is available to full-time employees under Sick, Annual, and Catastrophic Leave Policies. Comp Time Leave may be counted as part of an employee’s FMLA entitlement if the employee requests to use his/her comp time to receive pay for an FMLA reason.

FMLA leave runs concurrently with any paid or unpaid leave that is taken. Any leave falling under the protection of FMLA cannot be classified as an occurrence in any absence control policy or practice, nor may any disciplinary action be taken for absences covered by FMLA.

Employees may request FMLA leave by completing the Request for Family and Medical Leave Form available online on My.UAFS or from Human Resources. However, FMLA leave does not have to be requested by the employee. The University may designate leave as FMLA when an extended absence qualifies for FMLA leave. When the University becomes aware that an employee’s leave may be for a purpose covered by FMLA, it has the responsibility to notify the employee of their eligibility to take FMLA leave within five business days. The University must then make a determination about whether the leave will count as FMLA leave. After obtaining sufficient information to determine whether the requested leave is for an FMLA-qualifying event, notice of the designation will be provided to the employee within five business days.

6.8.4 Continuous, Reduced, and Intermittent Leave. FMLA leave may be taken on a continuous, reduced, or intermittent basis, depending upon the situation. A reduced leave schedule is one which reduces an employee’s usual number of working hours per workweek or hours per workday. Intermittent leave is taken in separate blocks of time due to a single qualifying reason. The following applies to employees taking FMLA leave on an intermittent or reduced schedule basis:

a. Intermittent leave or reduced schedule leave reduces the total amount of leave only by the amount of time taken.

b. Employees may take FMLA leave for a medical condition intermittently or on a reduced schedule only when it is medically necessary. If the employee requests intermittent leave that is foreseeable because of planned medical treatment, or for other reasons, they are required to make a reasonable effort to schedule leave so that it does not unduly disrupt the employer’s operations. In the event that the need for leave is unforeseeable, the employee should provide notice as soon as possible according to the University sick leave policy (See Section 6.4.3). An employee may be temporarily transferred to an alternate position with equivalent pay and benefits (not necessarily equivalent duties) which better accommodates recurring periods of leave.

c. When an employee requests to take FMLA leave for the birth or adoption of a child, or for the placement of a child with the employee for foster care, the employee may take the leave intermittently only if the employer agrees to the proposed arrangement. An employee may, with the supervisor’s approval, work part-time after
the birth or placement of a child or take FMLA leave in several segments, up to the twelve-week cumulative limit. (If the employee has given birth, this is subject to being released by their physician to return to work following the standard six-week maternity leave.) An employee does not need their supervisor’s prior approval for FMLA leave if they are a new mother and have a serious health condition in connection with the birth of their child or if the newborn child has a serious health condition, however, the employer must be notified.

d. An expectant mother may take FMLA leave before the birth of a child for prenatal care or if she is unable to work due to her condition. Likewise, an expectant father may take leave prior to the child’s birth to care for his pregnant spouse who is incapacitated or to accompany her for prenatal care.

e. Employees may request intermittent FMLA leave before the actual placement or adoption of a child if an absence from work is required for the adoption or foster care placement to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with an attorney, consult with a doctor who represents the birth parent, or submit to a physical examination.

f. Employees may use an intermittent or reduced leave schedule to care for a family member in a situation where the family member’s condition itself is intermittent, when the employee needs to share care responsibilities with another person, or when they need to make arrangements for changes in the family member’s care, such as a transfer to a nursing home.

g. Employees may take intermittent FMLA leave for their own serious health condition which requires treatment by a healthcare provider periodically, rather than for one continuous period of time.

h. Employees may take intermittent or reduced schedule FMLA leave for absences when the employee is incapacitated or unable to perform the essential functions of their job because of a chronic serious health condition, even if they do not receive treatment by a healthcare provider. If the employee must care for a family member who is incapacitated by a chronic serious health condition, they may use intermittent FMLA leave to care for him or her even if the family member does not receive treatment by a healthcare provider.

6.8.5 Certification and Notice. An employee’s use of FMLA leave for their own serious health condition or to care for a seriously ill child, spouse, or parent must be supported by a certificate issued by a healthcare provider. The certificate must contain the following information: the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the knowledge of the healthcare provider regarding the condition. If the FMLA leave is to care for a family member, the certificate must contain a statement that the employee is needed to care for the family member and an estimate of the amount of time required. If the FMLA leave is for the employee’s own serious health condition, a statement that the employee is unable to perform the functions of their job must be included. (See Final FMLA Regulations (29 C.F.R.) for additional information.) The University also requires the employee to provide certification of the need for Exigency Leave or for leave to care for a covered service member with a serious injury or illness. Provider certification forms are available online at My.UAFS or from Human Resources.
If an employee submits a complete certification signed by a healthcare provider the University may not request additional information from the healthcare provider. However, Human Resources may contact the healthcare provider for clarification, to authenticate the medical certification, or to obtain information when the certification is incomplete.

If there is reason to doubt the validity of the information contained in the medical certification, the University may require a second opinion from a healthcare provider designated by the University. If that opinion differs, the opinion of a third healthcare provider, selected jointly by the employee and the University, may be solicited. The third opinion shall be final and binding. The University will be responsible for the expense of the second and third opinions.

When the necessity for FMLA leave is foreseeable, the employee must provide the University with a completed Certificate of Health Care Provider form 30 days before their leave begins. If circumstances require that the leave begin in less than thirty days, notice should be given as soon as practicable. For foreseeable Qualifying Exigency Leave, notice must also be provided as soon as practicable.

In cases of illness, the employee will be required to report periodically on their leave status, their estimated return date, and their intention to return to work. The employee may be required to provide recertification on a reasonable basis, but not more often than every 30 days, except under the following certain circumstances: (1) the employee requests an extension of leave, (2) circumstances described by the previous certification have changed significantly, or (3) the University receives information that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification.

Any medical information submitted by the employee or the medical care provider will be considered confidential.

6.8.6 Reinstatement of Employment and Benefits. Upon return from FMLA leave, the employee will be reinstated to their former position or a position with equivalent benefits, pay, and other terms and conditions of employment. In the event that an employee’s position is eliminated as part of a scheduled reduction in force while the employee is on leave, the University is not obligated to reinstate the employee unless there is an open equivalent position available at the time the employee is able to return to work and for which the employee is otherwise qualified. Other than paid leave actually used during the FMLA leave period, the employee will not lose any benefits accrued prior to the commencement of the leave. The employee will not be entitled to any right, benefit, or position other than what they would have been entitled to if the employee had not taken FMLA leave.

If the employee participates in the University's group health plan, their coverage will be maintained, and the University will continue to pay its share of the premium while the employee is on FMLA leave. The employee will be responsible for paying the employee portion of their premium. The employee may choose not to retain their health care coverage during their FMLA leave. If they do so, they are entitled to have their coverage reinstated upon their return to work, without any qualifying period, physical examination, exclusion of pre-existing conditions, or other qualification that did not exist before the employee went on leave.
Whether on paid or unpaid leave, the employee is responsible for payment for their portion of the health insurance premium and any other employee benefits. When FMLA leave is paid leave, the employee may maintain regular payroll deductions for benefit coverage and the University will continue to pay the employer portion of the premiums. If an employee’s payment for their portion of the health insurance premium is more than 30 days late, the University’s obligation to maintain their health insurance coverage ends. Employees will be given written notice that payment has not been received. This notice will be mailed at least 15 days before the employee’s coverage is to end.

The University may recover any payments made to cover the employee’s share of the premium once the employee returns to work. The University may also recover its share of the employee’s health insurance premium which it paid during unpaid FMLA leave if the employee fails to return to work for a reason other than a serious health condition or because of circumstances beyond the employee’s control. If the University has maintained other benefits, such as life or disability insurance, in order to meet its responsibility to provide equivalent benefits upon the employee’s return from FMLA leave, it may recover the costs incurred for paying the premium, whether the employee returns to work or not.

The Family and Medical Leave Act makes it unlawful for an employer to interfere with, restrain, or deny the exercise of the rights provided by this law. It is also unlawful for an employer to discharge or discriminate against any employee who is involved in a proceeding related to the FMLA. Use of Family and Medical Leave cannot be a consideration in decisions to hire, promote, or discipline employees. Treatment for substance abuse does not prevent an employer from taking appropriate employment action against an employee. However, the employer may not take action against an employee because the employee has exercised his or her right to take FMLA leave for treatment.

6.8.7 Definitions. The following definitions are used in the FMLA regulations:

a. **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. Conditions for which cosmetic treatment are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions are met.

b. **Inpatient care** means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.

c. **Incapacity** means the inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.

d. **Continuing treatment** means any one or more of the following: incapacity and treatment, pregnancy or prenatal care, chronic conditions, permanent or long-term conditions, and conditions requiring multiple treatments. Absences attributable to
incapacity due to pregnancy or prenatal care, or for a chronic condition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a healthcare provider during the absence, and even if the absence does not last more than three consecutive full calendar days.

e. **Incapacity and treatment.** Any period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

1. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of health care services under orders of, or on referral by, a healthcare provider; or
2. Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under supervision of a healthcare provider.
3. The requirements in numbers 1 and 2 of this definition for treatment by a healthcare provider means an in-person visit to a healthcare provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.
4. Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the healthcare provider.
5. The term extenuating circumstances in number 1 of this definition means circumstances beyond the employee’s control that prevent the follow-up visit from occurring as planned by the healthcare provider. Whether a given set of circumstances are extenuating depends on the facts.

f. **Treatment** includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physicals, vision, or dental examinations.

g. **Regimen of continuing treatment** includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of continuing treatment that includes the taking of over-the-counter medications (such as aspirin, antihistamines, etc.), or bed-rest, drinking fluids, exercise, or other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

h. **Pregnancy or prenatal care.** This refers to any period of incapacity due to pregnancy or for prenatal care.

i. **Chronic Conditions.** Any period of incapacity or treatment for such incapacity due to a chronic serious health condition which:

1. Requires periodic visits (at least twice a year) for treatment by a healthcare provider, or by a nurse or physician’s assistant under direct supervision of a healthcare provider, and
2. Continues over an extended period of time (including recurring episodes of a single underlying condition), and
3. May cause episodic rather than a continuing period of incapacity (i.e., asthma, diabetes, epilepsy).
j. **Permanent or long-term conditions.** A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

k. **Conditions requiring multiple treatments.** Any period of absence to receive multiple treatments (including any period of recovery there from) by a healthcare provider or by a provider of health care services under orders of, or on referral by, a healthcare provider, for: (1) restorative surgery after an accident or other injury, or (2) a condition such as cancer, severe arthritis, or kidney disease that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

l. **Serious injury or illness** means an injury or illness incurred by a covered service member in the line of duty, on active duty, that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

m. **Healthcare provider** is defined as:
   1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices.
   2. Any other person determined by the United States Department of Labor to be capable of providing health care services. Included in this definition are podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated to exist by x-ray) who are authorized to practice in the state and are performing within the scope of their practice as defined under state law.
   3. Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice in the State and performing within the scope of their practice as defined under State law.
   4. Christian Science practitioners listed with the first Church of Christ, Scientist in Boston, Massachusetts.

n. **Spouse** is defined in accordance with applicable state law. Unmarried domestic partners do not qualify for FMLA leave to care for their partner.

o. **Parent** means the biological, adoptive, step or foster parent of an employee, or an individual who stands or who stood *in loco parentis* to an employee, when the employee was a child (as defined below).

p. **Parent of a covered service member** means a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the covered service member. This term does not include parents “in law.”

q. **Child** for purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco*
parentis, who is either under eighteen years of age or who is eighteen years of age or older and incapable of self-care because of mental or physical disability.

r. Next of kin of a covered service member means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter. For complete definition refer to Final FMLA Regulations (29 C.F.R.).

This policy is a summary description of the federal Family Medical Leave Act. For additional information refer to the final FMLA regulations available on U.S. Department of Labor website at: http://www.dol.gov. If any provision of the policy is contrary to FMLA regulations, such provisions are hereby amended to conform thereto. Contact Human Resources for assistance.

6.8 Updated 6/1/2010

6.9 Maternity Leave (Maternity-Related Health Conditions)
(Board Policy 420.1, 420.2; 402.3; Arkansas State Personnel Policy).
Maternity leave is treated as any other leave for sickness or disability. However, an employee who is unable to work because of pregnancy may elect to take a leave of absence without pay, without exhausting accumulated annual and sick leave. If an employee elects to do this, they must discuss their leave balances with Human Resources prior to being off work on maternity leave. Failure to do this may result in leave being docked as in the case of any other sick leave.

Sick leave may be taken for pregnancy- and maternity-related health conditions and will be treated as any other leave for sickness or disability except that (1) no healthcare provider certification will be required for the first four weeks (absence) following the birth of the child, and (2) the employee taking leave for a pregnancy- or maternity-related health condition may elect to take leave of absence without pay without exhausting accumulated annual and sick leave.

The normal period for maternity leave is a minimum of six weeks. Employees may return to work sooner with a certificate from an attending health care provider. Upon return from leave, the employee will be given the same or comparable position to the one occupied prior to the leave. The employee is expected to provide the employee’s supervisor as much notice as possible prior to beginning leave for a pregnancy- or maternity-related illness, and at least two weeks’ notice prior to returning to work from a pregnancy- or maternity-related leave. Both notifications shall be in writing. Maternity leave will be counted as FMLA leave, when applicable.

6.9 Updated 12/2001; 3/2019

6.10 Court and Jury Leave
(Board Policy 420.1, 420.2; ACA §§ 21-4-213 and 21-5-104; Arkansas State Personnel Policy)
Subject to proper application, employees may be excused from work to serve as a witness, juror, or party litigant in a civil or criminal court proceeding. When serving as a juror or responding to a subpoena as a witness to give deposition in a court or hearing, an employee is entitled to their regular University pay in addition to any fees paid by the court for their services for necessary appearances, and their absence from work will not be counted as annual leave. The employee should return to work as soon as his/her services are no longer needed by the court.

To request legal leave, complete a Leave Request Form and attach a copy of the jury summons notification or subpoena. A copy of the court clerk slip documenting actual time spent for jury duty is required for non-exempt hourly employees.

6.10 Updated 12/2001; 3/2019
Employees who are in an unpaid status are not eligible for paid legal leave. Employees involved in personal litigation or serving as a paid witness in a case outside the scope of their University employment will be required to take annual leave or leave without pay.

6.10 Updated 12/2001

6.11 Leave for Children’s Educational Activities

(ACA § 21-4-216)

Full-time employees are eligible for eight hours of paid leave each calendar year to participate in, assist with, or attend their children’s educational activities. Unused leave may not be carried over to the next calendar year, nor will employees receive compensation for unused Children’s Educational Activities Leave at retirement or when their employment with the University ends.

For the purposes of Children’s Educational Activities Leave, “child” is defined as any person enrolled in pre-kindergarten through grade 12 who is the employee’s natural child, adopted child, stepchild, foster child, grandchild, legal ward or for whom the employee is the legal guardian or acts in any other legal capacity as a parent.

Educational activities are defined as: parent-teacher conferences, the employee’s participation in school-sponsored tutoring, school-sponsored volunteer programs, field trips, classroom programs and academic competitions, and the employee’s assisting with athletic, music or theater programs. Children’s Educational Activities Leave may not be used to attend sports activities.

6.11 Updated 7/2007

6.12 Military Leave

(Public Law 93-508, 94-286; ACA §21-4-212, §21-4-301, §21-4-105; Board Policy 420.1, Arkansas State Personnel Policy)

Subject to proper application, full-time employees may be eligible for military leave as outlined below. Requests for military leave must be made in writing and must include a copy of the employee’s military orders.

6.12.1 Annual Training Leave. Subject to proper application, full-time employees who are members of the National Guard or any of the reserve branches of the U.S. Armed Forces will be granted paid leave, at the rate of 15 days per calendar year, and necessary travel time for annual training purposes. The leave will be granted without loss of pay and in addition to regular vacation time. To the extent that this leave is not used in a calendar year, it may be carried over to the next year, up to a maximum of 30 annual training leave days for that calendar year.

6.12.2 Active Duty for Military Service. Full-time employees who are drafted or called to active duty in the Armed Forces of the United States, or who volunteer for military service, will be placed on extended military leave without pay; all unused sick leave at the time of military leave will be reinstated at the time the employee returns. All unused annual leave will be reinstated upon return, unless the employee requested and received a lump-sum payment for the accrued, unused annual leave at the onset of the extended military leave.

However, employees called to active duty after September 11, 2001, as a member of the National Guard or any of the reserve components of the armed forces by order of the President or the Governor for an emergency or contingency of more than 30 consecutive
days, are entitled to continued salary payments that, when combined with their active
duty pay, incentives, and allowances, except uniform and clothing allowances, equal the
amount that the employee would otherwise have received but for the required active
duty. An employee must be a current active employee in order to receive such
payments, unless the employee’s termination was the result of a disability incurred when
on active duty. The payment will be made as a one-time lump sum payment and no
retirement contribution will be made on the pay. To be eligible, the employee must
present a Leave and Earning Statement showing military pay or Form DD214 showing
active duty dates.

6.12.3 Active Duty for the Purpose of Specialized Training. If an employee
volunteers or is ordered to active duty for the purposes of specialized training, he or she
will be placed on leave without pay for the period of the training unless they elect to use
their accrued annual leave. Leave for specialized training is in addition to the employee’s
annual military training leave. The employee will retain their eligibility rights, including
their accumulated annual leave, unless they choose to use annual leave for the
specialized training period. The employee will also retain any accumulated sick leave
that they had before beginning the specialized training. Although the employee will not
accumulate annual leave or sick leave during the leave without pay, their annual leave
accrual rate will be calculated as though they had not been absent.

6.12.4 Active Duty in Emergency Situations. Full-time employees who are called to
active duty in emergency situations, as declared by the Governor or President, will be
granted leave with pay. The period of leave with pay will not exceed 30 working days.
Periods beyond the 30-day limit may be charged to annual leave at the employee’s
request and, if necessary, to leave without pay. The emergency military leave is in
addition to annual military leave for training. Employees must make requests for military
leave in writing and must attach a copy of their military orders to each request for military
leave.

6.12.5 Return to Work from Military Leave. When an employee is released from
active duty for military service or for specialized training, he or she will be reinstated to
their former position or to a position with comparable pay and benefits, provided they
apply for reinstatement within ninety days of their release from active duty. If the
employee extends enlistment or re-enlists for additional military service beyond the initial
enlistment period for more than four years, or five years when re-enlistment was at the
request of the military, they lose all reinstatement rights and will be treated as a rehire.
If an employee incurs a military service-related disability and is scheduled by the U.S.
Department of Veterans Affairs to be reexamined or treated for the disability, they are
entitled to paid leave of up to six days during any calendar year for reexamination or
treatment.

6.13 Leave for Members of the Air Force Civil Air Patrol and Coast Guard Auxiliaries
(ACA §21-4-212; Arkansas State Personnel Policy)
Members of the U.S. Air Force Auxiliary Civil Air Patrol, or the Coast Guard Auxiliary, will be
permitted to take a leave of absence, with pay, for up to fifteen days each calendar year to
participate in training programs or emergency search and rescue services. The leave of
absence must be at the formal request of the employee’s wing commander or designated
representative, or their Division 15 Captain.
6.14 Disaster Service Volunteer Leave

(ACA §12-85-102, ACA §12-85-103(a); Arkansas State Personnel Policy)

If an employee is trained and certified as a disaster service volunteer by the American Red Cross and their specialized disaster relief services are requested by the Red Cross in connection with a disaster, they may receive up to fifteen working days in any calendar year to participate in specialized disaster relief, without loss of pay or benefits. Leave will be granted only for disasters occurring in Arkansas or contiguous states. The employee must request disaster service volunteer leave in writing, to the Chancellor through the appropriate Vice Chancellor, and attach a copy of their Red Cross orders to the request.

6.15 Leave of Absence

(Board Policy 420.1, 420.2; ACA § 21-4-210; Arkansas State Personnel Policy)

Requests for leave of absence without pay should be submitted to, and must be approved by, the employee’s supervisor and vice chancellor. If the leave is for six continuous months, it also requires the approval of the Chancellor. Leaves of absence without pay may be granted to University employees when it is in the best interest of the University and when the University is able to accommodate the leave request. Employees may be granted up to six months leave without pay. Employees must make a written request for approval if the leave is for any reason except the following:

1. Necessary absences because of an employee’s or the employee’s immediate family member’s serious health condition (see Section 6.8, Family and Medical Leave) or because of disability or personal reasons when the absence extends beyond the employee’s available earned annual and sick leave. On a case-by-case basis, unpaid leave may be considered as a form of reasonable accommodation for qualified individuals with disabilities.

2. Leave for the birth or placement of a child with an employee for adoption or foster care (see Section 6.8, Family and Medical Leave and Section 6.9, Maternity Leave).

3. Military leave that involves active duty or active duty for specialized training (see Section 6.12, Military Leave).

An employee must use all of their accumulated annual leave before they become eligible to take leave without pay, except when the leave qualifies as maternity leave, certain types of military leave, or when the leave is for disciplinary purposes. The employee will not earn annual leave or sick leave if they are on leave without pay for ten or more days during a calendar month, nor will they be paid for official University holidays while on leave without pay.

When an employee is on leave without pay, they may continue to participate in the University's group insurance programs. However, they must pay the total cost (their part and the University's part) of coverage for any month when they are on leave without pay for ten or more consecutive days. For those benefits provided by the University, with no employee contribution (life insurance and long-term disability insurance), the employee must pay the amount of the University's contribution or risk loss of coverage, except when those benefits are protected by FMLA regulations (see Family and Medical Leave).

Employees may request an extension in advance of the date of return to work. If approved, the leave will extend accordingly, but will not exceed six continuous months (for a total of 12 months).
If the position the employee left is no longer available due to budgetary reduction in staff, the employee will have no rights and cannot be reinstated.

If the employee fails to report to work promptly at the end of an agreed-upon period of leave without pay, their employment with the University may be terminated. If there is good reason for the delay, the University may extend their period of approved leave.

Employees may be put on leave of absence without pay for disciplinary reasons.

6.16 Voting Leave
In most communities polls remain open long enough to allow an employee time to vote before or after working hours. In case of a hardship, such as having to travel a distance to their polling place, employees will be permitted to report to work late or to leave early in order to vote. The time permitted for this purpose is given with pay and without reduction of sick leave, annual leave, or any other benefit. If it is necessary for an employee to use this privilege, they must notify their immediate supervisor to make arrangements before Election Day.

6.17 Education Leave
(Area Policy 420.1, 420.2; ACA § 21-4-211; Arkansas State Personnel Policy)
A full-time employee with a regular appointment (not provisional, visiting, or grant funded) may be granted education leave, with or without pay, to pursue a regular full-time or part-time course of instruction, provided that doing so will be beneficial to the University and provided the Chancellor (or designee) approves the employee’s application in advance.

On the employee’s return, they will be expected to continue to work for the University for a period of time as statutorily required or, in the absence of a specific law, at least twice the length of the employee’s course of training. If they do not fulfill these obligations by remaining with the University for the agreed-upon period, they will be required to pay the University the total cost or a proportionate share of the cost of the out-service training and any compensation paid during the training period. A written agreement should be drawn up setting forth the terms of the employee’s leave, to be signed by the employee and the Chancellor (or designee). The absence of a written agreement does not negate the employee’s responsibility for re-payment as described in this policy.

The employee will retain all of the rights they held in their position at the time leave was granted, including the right to reinstatement to that position or a comparable position upon the employee’s return. The amount of salary paid during the training period will be agreed upon by the employee and the Chancellor (or designee), but it may not exceed the employee’s regular salary. Payments for tuition, fees, books and transportation may be made only if the funds have been specifically appropriated by the Arkansas General Assembly and budgeted by the University for those purposes.

6.18 Sabbatical Leave
(Area Policy 420.1)

6.18.1 Rationale - Sabbatical leave is recognized as a means by which faculty may pursue activities which will result in professional growth and development. Because
scholarly and creative endeavors are essential complements to excellence in teaching, the University encourages and supports such efforts on the part of both its faculty and its students. Such activities include research, scholarly writing, artistic projects, professional travel, improving teaching skills or other professional experiences which will enhance professional skills and abilities that allow a faculty member to more effectively address the goals and mission of the University.

6.18.2 Eligibility – Any full-time faculty member with a regular appointment, who has completed six consecutive years (12 semesters) of full-time service at the University, or has completed six consecutive years of service since completion of that faculty member’s most recent sabbatical leave, is eligible to submit a proposal for sabbatical leave. The University will endeavor to approve proposals that are recommended by the Provost. Decisions must include consideration of the impact on the academic programs and budgetary constraints in a given year. If the University postpones or defers an approved leave, the recipient need not reapply in order to receive sabbatical support the following year. If the sabbatical is postponed at the request of the University, the six year period for qualification of a subsequent sabbatical will be considered as if the sabbatical had been taken in the year it was approved.

6.18.3 Compensation – A sabbatical proposal may request one semester of leave at full compensation or two semesters of leave at 50% compensation. Acceptance of external grants, scholarships or fellowships should not jeopardize an applicant’s eligibility for sabbatical leave or compensation and should be encouraged and must comply with any applicable State laws, policies and procedures governing concurrent employment. During the period of sabbatical leave, recipients shall not engage in salaried work for another employer without approval (written consent) of the Provost. The University is not responsible for providing travel or other living expenses incurred by the leave recipient.

6.18.4 Proposal Guidelines – The sabbatical proposal should include a brief curriculum vita, an abstract, supporting documents (i.e., references, letters of support) and a narrative statement (5-8 pages). The narrative should be non-technical and describe the nature of the activity, the applicant’s previous preparation and expected outcome. It should be clear that the applicant has a reasonable likelihood of attaining the expected outcomes and that the activity will contribute to the professional development of the applicant and enhance his/her professional capabilities at the University.

6.18.5 Conditions and Responsibilities – A recipient of a paid sabbatical leave will be expected to return and continue to work for the University for a period of time as statutorily required or, in the absence of a specific law, at least twice the length of the sabbatical. If an employee does not fulfill these obligations by remaining with the University for the agreed-upon period, he/she will be required to pay the University the total cost or a proportionate share of the cost of any compensation paid during the sabbatical.

6.18.6 Benefits and Credited Service – Time spent on sabbatical leave will be considered a part of University service. While on sabbatical, recipients will continue to receive any benefits they would be otherwise entitled to receive, including consideration for salary increases, credit for years of service at the University, and leave accrual.

6.18.7 Reporting – Before the end of the first academic term following return from a sabbatical leave, the faculty member shall submit to the Dean and Provost, a report summarizing what she/he accomplished on the leave. A copy of the report will be placed
in the faculty member’s personnel file. Within one academic year of a recipient’s return, she/he will provide an opportunity for others in the University community to learn about the nature of the activities and results. There are a number of acceptable vehicles for this activity, including but not limited to formal and informal presentations, a public show or performance or the dissemination of written information.

6.18.8 Application for Sabbatical Leave – Application for sabbatical leave must be submitted in writing to the appropriate department head/director/executive director/coordinator and/or dean, Provost, and Chancellor. Once approved by the dean, the Provost will make a recommendation to the Chancellor based on a review of resources necessary to approve the request. Upon approval of the Chancellor, the Provost will submit the sabbatical leave for approval to the University of Arkansas Board of Trustees. Sabbatical requests for the coming summer, fall, and/or spring semester must be received by the Provost no later than February 1. Once approved by the UA Board of Trustees, faculty must complete a leave form to include beginning and end dates and type of leave.

6.18 Updated 6/1/2010; 04/2013

6.19 Leave Reporting

All leave must be reported following individual departmental procedures and guidelines and must be entered on the employee’s electronic timesheet in TimeForce before the end of the pay period. This applies to all employees. Request for specialty type of leave (FMLA, Catastrophic Leave, etc.) must be made using the University's standard form available online at https://my.uafs.edu (My.UAFS). The leave request form must be signed by both the employee and his or her supervisor and will be retained by Human Resources for period of time required by State and federal law.

6.19 Updated 12/2001; 8/2014
7 OTHER EMPLOYEE BENEFITS

7.1 Employee Benefits
UAFS provides a comprehensive benefit package for eligible employees. The University is committed to providing benefits that help protect the health, welfare, and financial well-being of you and your family.

All employees must participate in the Social Security, Workers’ Compensation and Unemployment Compensation programs. Participation in a retirement program is required for all eligible full- and regular part-time employees, as mandated by state law; and available to all University employees. Participation in other benefit programs is strictly voluntary.

Group benefits are available to University employees who are employed half-time or greater and on at least a nine-month appointment. The existence of these benefit plans, in and of themselves, does not signify that an employee will be employed for the requisite time necessary to qualify for benefits.

Information about specific plans, including enrollment requirements, available online at https://uafs.edu, (My.UAFS) or refer to the Guide for New Employee Benefits.

7.1.1 Termination of Benefits. With the exception of health and dental benefits, benefits terminate when employment ends. This is defined as the last day an employee works or the last day of the employment contract (when applicable). Health and dental benefits end the last day of the month in which employment ends.

7.1.2 Continuation of Benefits during Summer Break. The University provides continued coverage over the summer for faculty and staff on nine- to eleven-month appointments, provided the employee returns to work following the summer break or as otherwise scheduled by contract. If an employee fails to return to work, the termination of benefits will be tied to the employee’s last day worked.

7.2 Social Security
(Federal Old Age, Survivors and Disability Insurance - 20CFR404, Board Policy 425.5)
All employees, except full-time students who work less than 20 hours per week, are covered by the Federal Insurance Contributions Act (FICA) which provides Social Security and Medicare insurance benefits. Employees pay a portion of the tax to fund this coverage when it is withheld as a percentage of individual gross salary. The University pays a matching amount. The percentage is set by federal law.

The Social Security Administration requires that the name under which employees are paid (and to which individual Social Security payments are credited) be identical to the name listed on the individual’s Social Security card.

For more information about benefits under the Social Security system, call or visit the local Social Security Administration office or visit their website at http://www.ssa.gov/. Employees can request information about their own Social Security account, and should do so periodically, to ensure that the account is being credited properly.

7.2 Updated 6/1/2010
7.3 Workers' Compensation
(ACA § 11-9-101 through 1001, Arkansas State Personnel Policy)

Workers’ Compensation insurance is available to employees to ensure appropriate and reasonable medical care for job-related injuries or illnesses. Determination and payment of claims are made through the Public Employee Claims Division of the Arkansas Insurance Department in Little Rock. Specific benefits are prescribed by law depending on the circumstances of each case. All employees are covered. There is no employee contribution. To be assured of coverage, work-related accidents should be reported to the employee’s supervisor and Human Resources within 48 hours of occurrence.

The State of Arkansas uses Company Nurse, a telephonic reporting system for Workers’ Compensation Claims. The injury information is taken by a Registered Nurse (RN) and entered into a database. Forms are prepared by the nurse who triages the injury, directs the injured employee to receive care in an appropriate medical facility in the state’s preferred provider organization (PPO), and contacts the treatment facility prior to the employee’s arrival.

The toll free number for Company Nurse is 1-855-339-1893. The service is available 24 hours a day/7 days a week. The code for UAFS is QR134. (Information is also available on wallet cards distributed to all employees.)

7.3.1 Procedures for Reporting and Treatment of On-the-Job Injury or Illness:

For life-threatening emergencies:
1. Call 9-1-1 and seek medical care immediately.
2. Contact University Police Department if appropriate.
3. Notify the supervisor who will then be responsible for calling the toll free number to report the claim as soon as medical treatment is secured for the employee.
4. Company Nurse will notify Human Resources who will follow-up with the employee and supervisor as necessary.

If the employee indicates that medical treatment is needed (but the situation is not life threatening):
1. The employee (and the supervisor if the supervisor is available) should call the toll free number to report the injury.
2. Company Nurse will notify Human Resources, who will follow-up with the employee and supervisor as necessary.

If the employee indicates that they do not need medical treatment:
1. The employee (and supervisor) must report the injury to Human Resources and complete an injury report (available online at My.UAFS). The report will be retained by Human Resources.
2. In the event the employee later indicates they need medical treatment, they should contact Human Resources who will report the injury to Company Nurse.

After treatment at the hospital or at the medical clinic, the employee or someone on the employee’s behalf must provide the supervisor with any information provided by the physician’s office/hospital regarding medical condition including: follow-up appointment dates; diagnosis of the injury or illness; Prognosis for recovery; specific work restrictions (if any); and, the date released to full duty.
7.3.2 Important Billing Information. Have the medical provider contact Human Resources for billing information. Do not have expenses billed to a personal insurance company or to the University. This includes bills from physicians, clinics, hospitals, pharmacies, etc. Do not use the University’s medical plan prescription benefits. Most pharmacies will direct-bill Workers’ Compensation. Public Employee Claims Division will reimburse out-of-pocket expenses.

7.3.3 Temporary Total Disability (TTD). If an injury or illness requires an extended period of absence from work, employees may be eligible for disability benefits through Workers’ Compensation. Workers’ Compensation wages are generally paid in arrears. To protect employees from lost wages, the University automatically pays any accrued sick leave balances on the employee’s behalf. This may ultimately result in an overpayment of wages for which the employee is accountable for repayment. The combination of Workers’ Compensation benefits and sick leave pay cannot exceed 100% of an employee’s normal salary.

If an employee receives a paycheck (or paychecks) from UAFS and from Workers’ Compensation for wages for the same period of time, they should notify Human Resources immediately. In this case, all or a portion of an employee’s Workers’ Compensation wages must be used to repurchase sick leave. Contact Human Resources for more information.

7.4 Retirement
(Board Policy 425.2, 425.5; ACA §24-4-301 et seq., §24-7-101 et seq.)
All employees (full- and part-time) are eligible to participate in a retirement plan. The University offers two plans: Teachers Insurance and Annuity Association (TIAA) and Fidelity Investments. Employees hired prior to 1/1/2018, who are active members are the Arkansas Teachers’ Retirement System (ARTRS) or the Arkansas Public Employee Retirement System (ATRS) may continue participation in those plans.

7.4.1 Mandatory Membership. Membership in a retirement plan is mandatory for full-time and regular part-time employees who work 1,000 hours or more per year. Employees must choose a plan within 31 days of employment, by completing the required enrollment process. The University will contribute an amount equal to 5-10% of an employee’s salary or the percentage prescribed by law. New employees may elect TIAA or Fidelity Investments. If an employee fails to make an election within 31 days, they become a member of both plans (50/50) as a default.

7.4.2 Optional Membership. All part-time employees who work less than 1,000 hours per year (including student workers) may elect to participate in the UAFS Retirement Plan by opening a Supplemental Retirement Annuity (SRA). Employees have the option to make personal contributions on a tax-deferred or pre-tax basis. The University does not contribute to this plan.

For more information, contact Human Resources or go online at https://my.uafs.edu (My.UAFS).

7.4.3 Updated 7/2009; 1/2014; 1/2017
### 7.5 Early Retirement Program

The University offers an early retirement plan to eligible employees in recognition of long-term service to the institution. Neither TIAA nor Fidelity has a minimum age or service requirement to be eligible for retirement. By contrast, the requirements of both State plans (APERS & ATRS) are based on years of service and age, or a combination of the two. For the purpose of this program, the University defines eligible retiree as follows.

**Eligible Retiree** means an Eligible Employee who retires while covered under the Health Plan and, on the date of retirement, has age and continuous years of service at UAFS to equal at least a total of seventy (70) and immediately prior to retirement has completed ten (10) or more consecutive years of continuous coverage under the University health plan.

*(NOTE: Individuals employed full-time as of 12/31/2014 who meet the following criteria may be eligible for early retirement: (1) must be 55 years of age at the time of early retirement, (2) must have 10 years of eligible full-time service at UAFS, (3) must have been enrolled for 10 in the University health plan for 10-consecutive years, and (4) must be receiving retirement benefits from APERS, ATRS, TIAA, or Fidelity.)*

**Benefits.** Qualified retirees are eligible for the following benefits:
- Pre-Medicare retirees (under the age of 65) have the option of continuing health and dental coverage. The Retiree pays the full cost of the premium.
- Medicare-Eligible retirees (age 65 and older or who qualify for Medicare on the basis of disability or other special situation) have the option of enrolling in the UA System Group Medicare Advantage Plan, a fully insured employer-sponsored Medicare Part C Plan administered by UnitedHealthcare. The Retiree pays the full cost of the premium.
- May continue membership in the University group life insurance plan until age 65. The retiree pays the full premium. The benefits will be the same as for an active employee.
- Free or discounted admission to most home athletic events and various cultural events.
- Use of the University Fitness Center at no charge.
- Use of the University Library.
- Included in various University social events.

#### 7.6 Employee Tuition Program

*(Board Policy 440.1; UASP 445.1)*

Full-time employees, their spouses, and dependent children may be eligible for education privileges at UAFS and other University of Arkansas System schools.

#### 7.6.1 Eligibility.** This benefit applies to all full-time employees (who are 100% appointed), their spouses, and their dependent children (as defined by the Internal Revenue Service). Eligibility begins with the final day of regular registration following continuous employment in a full-time position with the University for one complete fall or spring semester. Subject to initial eligibility as outlined in the previous sentence, tuition waivers apply to any semester during which the employee is in a full-time position as of the census date of the term. The tuition waiver is applicable to monies owed to the University only and application of the waiver cannot result in a refund (or account credit) to the employee/dependent. This applies to all University funding sources, subject to the terms of the individual scholarship award. Dependants must qualify and be claimed as a dependent for federal income tax.
purposes, as certified by employees on the "Spouse/Dependent Tuition Waiver Request form. (Dependent children are not eligible for the waiver anytime in the calendar year during which they reach age 24.) Employees may be required to furnish copies of applicable tax records to University officials and/or to state auditors on request. Failure to comply will result in the loss of this benefit and the re-payment of any benefits paid on behalf of an ineligible dependent or spouse.

Spouses (who have not remarried) and dependent children of deceased employees who died while in the full-time employment of UAFS, are also eligible.

All enrollees must meet normal admissions requirements and must conform to the scholastic standards of progress published by the University to remain eligible for this benefit.

7.6.2 Transferability. The tuition waiver benefit is available at any on-campus unit of the University of Arkansas, regardless of the site of employment. It is also applicable to web-based or distance education courses offered through any campus unit of the University of Arkansas or through eVersity. Likewise, employees of other UA System units, their spouses and dependent children may receive a reduced tuition benefit at UAFS. (UAFS is designated as the “home campus” for all UAFS employees, their spouses and dependent children, unless the employee’s normal worksite is considered a “widely dispersed unit” of UAFS.)

7.6.3 Extent of Waiver. Waiver benefits are applicable to tuition only. All fees are to be paid in full by the employee. The waiver benefit is applicable to credit classes only.

Employees will receive a 90% tuition reduction for UAFS undergraduate courses. Employees can receive a 50% tuition reduction for undergraduate courses taken at any other University of Arkansas campus. The maximum discounted tuition benefit for undergraduate classes is 132 credit hours, regardless of the number of UA System campuses at which credit hours may be earned.

Employees will receive a 50% tuition reduction for UAFS graduate courses (up to 45 credit hours). Employees continuously enrolled in a degree program at reduced rates prior to May 1, 2017 will receive their original discount level as long as they remain continuously enrolled in the degree program. Continuous enrollment is defined as a degree-seeking student who completes at least three credit hours in a given calendar year.

Spouses and eligible dependent children will receive a 50% tuition reduction for UAFS undergraduate courses and a 40% tuition reduction for undergraduate courses taken at any other University of Arkansas campus. The maximum discounted tuition benefit for undergraduate classes is 132 credit hours, regardless of the number of UA System campuses at which credit hours may be earned.

Spouses and eligible dependent children will receive a 25% tuition reduction for UAFS graduate courses (up to 45 credit hours).

7.6.4 General Limitations for Employees. All employee enrollment at reduced rates shall be approved by an authorized supervisor, and in no case will employee enrollment at reduced rates exceed eleven semester credit hours.
Important. To be eligible for any tuition discount, the Request for Tuition Waiver form must be signed by the employee’s supervisor and submitted to Human Resources prior to the onset of the semester. This is UAFS’s deadline. Deadlines vary by institution. Employees/dependents attending other UA System institutions are responsible for complying with the deadlines for those institutions.

Attendance cannot interfere with the performance of the employee’s job. Classes cannot be taken during paid work time and, generally, cannot be taken during any time that falls within the employee’s assigned work schedule. The lunch period and paid breaks are considered a part of the normal working day; therefore, classes taken during these times will require release time approval. This does not apply to classes taken as an official “staff development” function, which is defined as any class assigned by the supervisor and paid for by University staff development funds.

7.6.4.1 Courses Taken During Regular Work Hours. With advance approval, employees may be granted release time to take classes that cross their regular workday. Release time, if granted, may be approved in one of two ways: (1) by allowing the employee to use annual leave or comp time or (2) by allowing the employee to work an altered schedule. If an employee is approved to use annual leave or comp time, a Leave Request Form must be submitted in advance before the waiver can be processed. Release time during regular working hours must be approved by the supervisor up through the appropriate vice chancellor.

This policy does not assume that release time from regular working hours will automatically be permitted. Release time is not a right but a privilege that is granted at the discretion of the supervisor. Many factors are considered when granting release time, including but not limited to, employee performance, direct applicability of the course work to the employee’s position, overall benefit of the course work to the employee and the institution, and maintenance of office hours and services for students, faculty, staff, and the general public.

For more information, contact Human Resources. Tuition Waiver Request forms are available online at https://uafs.edu, My.UAFS.

7.6 Updated 6/1/2010; 3/2018

7.7 Credit Union Membership. The Arkansas Federal Credit Union is Arkansas’ largest financial cooperative. It is open to all federal, state, and municipal government employees, National Guardsmen, Reservists, and select employer groups throughout the state. The Fort Smith branch, located at 7887 Phoenix Avenue, is one of twelve branches across Arkansas.

Program highlights:
- $5 membership fee opens a savings account; $25 opens a checking account. Fees are subject to change and may be waived with direct payroll deposit.
- Membership is open to all full- and part-time employees.
- Membership is open to immediate family members.
- Offers a wide array of financial services including: savings, checking, and money market accounts; CDs, IRAs, VISA Card, and a full range of consumer loans.
7.8 Miscellaneous Benefits

7.8.1 Athletic Events. UAFS student athletic teams engage in intercollegiate competition at NCAA Division II level. Programs include women’s basketball, volleyball, tennis, golf and cross-country, and men’s basketball, baseball, tennis, golf and cross-country. The University is a member of the Heartland Conference and the National Collegiate Athletic Association. All faculty and staff are eligible to receive free tickets to most regular home games with a current employee ID.

7.8.2 Discounts to Campus and Community Events. Employees may be eligible for discounted tickets to a variety of shows and concerts. Additionally, many on-campus events are free to employees and their families. For more information, contact the Box Office, Campus Center 103, or call 479-788-7300.

7.8.3 Bookstore Discount. Employees are eligible for a 10% discount on limited purchases from the Lions Bookstore. For more information, contact the Bookstore, Campus Center 145, or visit their website at http://uafs.bncollege.com.

7.8.4 Library Privileges. Employees are eligible for library privileges. The employee ID serves as the library card and is valid on campus at the Boreham Library, at all Fort Smith Public Library branches, and the Scott-Sebastian Regional Library.

7.8.5 Recreation and Wellness Center (RAWC). Benefits’ eligible employees are eligible to use the RAWC at no cost. All participants must present a current employee ID card. For more information, go to https://my.uafs.edu (My.UAFS) or contact the RAWC.

7.8.6 Employee Assistance. While the University does not offer a full-fledged employee assistance program, it recognizes that personal problems not associated with an individual’s job can be detrimental to an employee's health, well-being, and job performance. Consequently, the University believes it is in the interest of everyone to assist employees in resolving problems as the need arises. To this end, Human Resources maintains up-to-date information on a variety of community resources on a self-referral basis. Contact Human Resources for assistance. All inquiries and communications are held in confidence.

Participation in the employee assistance program does not excuse employees from complying with University policies or from meeting job requirements during or after receiving assistance. Participation in the program does not prevent the University from taking disciplinary action against any employee for performance problems.

7.9 State Unemployment Insurance
(ACA §§11-10-801 through 804)
The University contributes to the Arkansas State Unemployment Insurance Fund. Under certain circumstances, former employees may be eligible for unemployment compensation benefits.
Contact any local Arkansas Employment Security Division Office for more information or visit their website at http://www.state.ar.us/esd/.

7.9 Updated 12/2001
8  EMPLOYEE CONDUCT

8.1 Use of the University's Name and Logo
The name of the University is used in many official business contexts and for a wide range of purposes. It is important to the University that any use of the name in any form be limited to University activities. The following broad clarifications are applicable:

8.1.1 Public Appearance. Public appearances by individual faculty, staff and students frequently involve the use of the name of the University. When University representatives appear on commercially sponsored radio and television programs, they should be identified as “guests.” Appearances on unsponsored radio and television programs are considered simply as public appearances and impose only normal obligations for responsibility and good taste.

8.1.2 Sponsorship/Co-Sponsorship of Activities. When the name of the University is used in connection with seminars, conferences, workshops, and other activities, the University must in fact be a sponsor. Any sponsorship activities must be approved in advance by the appropriate vice chancellor.

8.1.3 Public Statements. The Chancellor of the University is responsible for official statements affecting the University, and the UA System President is responsible for news releases affecting the University System.

8.1.4 Use of Logo and Seal. Guidelines for use of the University logo and seal and for the printing of stationery, business cards, and name badges are available from the University Marketing and Communications Department at 479-788-7154 or online at My.UAFS.

8.2 Use of University Property and Facilities
(Board Policy 705.1; Governor's Policy Directive #5; Arkansas State Personnel Policy)
Employees may use University equipment and supplies only for work-related purposes. University computers, telephones, long-distance authorization codes, calling cards, fax machines, cell phones, photocopiers, vehicles, machinery, tools, disposable supplies, and other equipment and materials may not be used for personal activities. University equipment may not be discarded, but must be disposed of in accordance with established procedures. University bulletin boards may not be used for private or commercial activities. The campus mail service may be used only for University purposes. Unauthorized or personal use of equipment or supplies may be grounds for dismissal.

University facilities are primarily for educational activities. When they are not required for regularly-planned educational programs, they will be made available for extracurricular use by colleges, departments, and other University units; by organizations composed exclusively of faculty and staff; by organizations which exist solely for the benefit of the University; and by recognized student organizations with the approval of their advisor. Under law, University facilities cannot be made available to other organizations for their own purposes. However, when a facility is not in use for educational or extracurricular activities as described above, the Chancellor may approve the use of the facility when the use serves the educational objectives of the University. The facilities may be made available to nonprofit organizations if such use does not interfere with the instructional or other programs of the University, and if such use is
consistent with the objectives of the University as determined by the Chancellor or the Chancellor’s designated agent.

It is an objective of the University to provide opportunities for the University and broader communities to see and hear major leaders of the state, nation, and world. Speeches and debates by or on behalf of candidates for major state and national offices may be scheduled in University facilities under arrangements which allow reasonable opportunities for opposing candidates or points of view. It must be made clear that the University neither supports nor opposes the views stated by the candidacy of such individuals.

In-line skates, roller skates, skateboards, and any similar skating equipment may be used on campus or other University property for individual transportation purposes only. Jumping and skating on handrails, walls, benches, fountains, steps, and raised surfaces is prohibited, as is skating in buildings, parking structures and parking lots, campus streets and service drives, or other areas with restricting signs.

Pets, other than service animals used by people with disabilities or animals under the control of student service or academic departments for approved activities, are prohibited on campus.

8.2.1 Scheduling Facilities. Contact the Facilities Coordinator at 479-788-7009 for additional information, to receive a copy of the facilities use policy, or to schedule any campus facility. The Facilities Use policy is available online at My.UAFS on the Human Resources site.

8.2 Updated 6/1/2010; 5/2017

8.3 Serving the Public
UAFS is a state-supported institution. The success of the University depends, to a large extent, on how its employees serve the public, our clients and customers. Each employee plays an important role in building and maintaining good relations with the public because the University is judged not only on the quality of its graduates, but also on interactions with employees. Employees are expected to treat every member of the public courteously in all correspondence, emails, telephone conversations, and personal interactions when they visit the campus.

8.3 Updated 12/2001

8.4 Arkansas Whistle-Blower Protection and Fraud Reporting
(ACA § 21-1-601; Arkansas State Personnel Policy; Board Policy 350.1)
It is the policy of this institution that an employee will be protected from discharge or retaliation because the employee reports, in good faith to an appropriate authority, the existence of any waste of public funds, property, or manpower or a violation or suspected violation of State law, rule, or regulation. This policy excludes federal funds, property, or manpower. No adverse action will be taken against an employee or a person authorized to act on behalf of the employee, in the following situations:

- If an employee alleges a violation under this Act, and does so “in good faith,”
- If an employee alleges a violation under this Act, and does so “in good faith,” and participates or gives information in an investigation, hearing, court proceeding, legislative
or other inquiry, or in any form of administrative review; and/or

- If an employee alleges a violation under this Act, and does so “in good faith,” and has objected to or refused to carry out a directive that the employee reasonably believes violates a law, rule, or regulation adopted under the authority of the State.

Any reported violation must be more than technical or minimal in nature, of a state statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer. "Waste" means a state agency's or an institution of higher education's conduct or omissions which result in substantial abuse, misuse, destruction, or loss of public funds, property, or manpower belonging to or derived from the State or local political subdivision's resources. An employee's communication about the violation or waste must be made at a time and in a manner that gives the public employer reasonable notice of the need to correct the waste or violation. An employee communicates in good faith when he or she has a reasonable basis in fact for their report of waste or a violation. Good faith is lacking when an employee does not have personal knowledge of a factual basis for the report or when they knew or reasonably should have known that their communication about the waste or violation was malicious, false, or frivolous. The report of waste or violation should be made verbally or in writing to one of the employee's superiors or to an appropriate authority.

An adverse action is defined as discharging, threatening, discriminating, or retaliating against the employee in any manner that affects the employee's employment, including compensation, job location, rights, immunities, promotions, or privileges.

"Good faith" is acting when the employee has personal and factual knowledge of the waste or violation. It will not be considered good faith when the employee knew or reasonably could have known that the report is malicious, false, or frivolous.

An employee who alleges a violation of the Act, and believes that the institution has acted adversely toward him/her because of the allegations, should use the established grievance procedure. (See Grievance Procedure, Section 10.3 or 10.4.).

The "Whistle-Blower" Act does not permit disclosures which would diminish or impair the rights of any person or public official to the confidentiality of records or working papers that are protected by statute or common law.

Employees must report any detected or suspected fraud involving employees, consultants, vendors, contractors, outside agencies doing business with the University or any other parties with a business relationship to the University. Actions constituting fraud include, but are not limited to:

- An entry into the accounting records that is intentionally made to represent what is not true or does not exist, with intent to deceive;
- Forgery of a check, bank draft, wire transfer or any other University financial document;
- Unauthorized alteration of any financial document or account belonging to the University;
- Misappropriation of funds, securities, supplies or other University assets;
- Impropiety in the handling or reporting of money or financial transactions;
- Disclosure of confidential and proprietary information to outside parties for personal gain, except as allowed under the Arkansas Freedom of Information Act or other law;
- Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the University;
- Unauthorized destruction, removal or use of records, furniture, fixtures and equipment for personal gain;

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• Any similar or related inappropriate conduct.

Employees who suspect dishonest or fraudulent activity should report the activity to the Chancellor’s Office, the Vice Chancellor for Finance or Human Resources and should not attempt personally to conduct investigations or interviews related to the suspected fraud. Investigative results will not be disclosed to or discussed with anyone other than those who have a legitimate right to know. Great care must be taken in the investigation of suspected improprieties or wrongdoings to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

8.4 Updated 6/1/2010; 3/2015

8.5 Handling Confidential Information
(Family Educational Rights and Privacy Act of 1974 (FERPA) or the Buckley Amendment)

In performing work for the University, employees may have access to academic, personnel, or budgetary information that is considered confidential. Employees are expected to respect the confidentiality of such information and not disclose it to anyone who does not have an official need for it. If an employee has questions about the confidentiality of information entrusted to them or to which they have access, questions should be referred to the appropriate supervisor.

8.5.1 Student Records. The Family and Educational Rights and Privacy Act, also known as FERPA or the Buckley Amendment, is a federal law that governs the confidentiality of student records. The Act prohibits, with certain limited exceptions, the release of information from a student's educational records unless the student has given written consent. The Act also ensures that students have certain rights with respect to their education records and access to those records, and that they have the opportunity to correct erroneous records. FERPA regulations apply to all student records, including student employment records for individuals employed in any capacity where school attendance is a condition of employment, i.e., work-study program.

Unless a currently enrolled student has directed the University to withhold disclosure of “directory information,” that information may be released to the public without the permission of the student. UAFS has defined directory information as the student’s name, address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status (i.e., undergraduate or graduate; full- or part-time), honors received, and most recent educational agency or institution attended. It is important to note that the institution, at its sole discretion, designates what is considered “directory information,” as well as what is released in each circumstance. As a general rule, no other information in an education record can be disclosed without consent of the student. Students may request that UAFS not release directory information by completing the proper form and submitting it to the Records Office. Do not assume that it is okay to release any information without contacting the Records Office.

Educational records and personal information may be released under other special circumstances and conditions, i.e., in response to a judicial subpoena of records or in emergency situations. All inquiries should be referred to the Records Office. For more information contact the Registrar at 479-788-7230 or refer to the Student Handbook available online at My.UAFS.
8.5.2 Identity Theft Prevention Program (Red Flag Detection and Response) Policy. In November 2007, the Federal Trade Commission, the federal bank regulatory agencies, and the National Credit Union Administration, published a joint notice of final rulemaking in the Federal Register (72 FR 63718) finalizing the Identity Theft Red Flags regulation and guidelines. The Red Flags Rule, promulgated pursuant to the Fair and Accurate Credit Transactions Act of 2003, requires financial institutions and creditors to develop and implement a written identity theft prevention program.

The University of Arkansas Board of Trustees approved an Identity Theft Prevention Program on April 17, 2009, for the University of Arkansas System. The UA System requires each UA campus to incorporate its own program. The University of Arkansas - Fort Smith developed a program and is covered by the Red Flags Rule.

The purpose of the UA System is to identify and detect any relevant Red Flags for new and existing covered accounts, and respond appropriately to any Red Flags that are detected in order to seek to prevent and mitigate identity theft. The UA System is reviewed and updated periodically to reflect changes in risks to students and other covered accounts. The Vice Chancellor for Finance and Administration serves as the program administrator.

Personnel of any UA office/department with activities that are considered covered accounts under the Red Flags Rule are required to review training documents and acknowledge completion of training under the UA System on an annual basis. The Program Administrator is responsible for implementation of the annual training program and submission of the annual report to the UA System.

UA System personnel who have concerns regarding potential identity theft should contact their immediate supervisor or the Vice Chancellor for Finance and Administration.

8.6 The Arkansas Freedom of Information Act
(ACA §25-19-101; Arkansas State Personnel Policy)
Under the Arkansas Freedom of Information Act, University documents, with some exceptions, are considered public records and must be made available to the public for inspection during regular business hours. Records covered by the act include data compilations in any format, including papers, microfilm, microfiche, computer disks and tapes, email, and audio and video recordings. Freedom of Information requests must generally be responded to within three days of the date when a written request is received. The public may also request that disclosable documents be copied, which will be done at the requestor’s expense. If an employee receives a Freedom of Information request, it should be immediately forwarded to:

Director for Public Information
5210 Grand Avenue
Fullerton Administration, Room 217A
479-788-7025

8.6.1 Expectation of Privacy. In recognizing that University computer systems and networks are public and subject to the FOIA, users utilize such systems at their own risk. Likewise employees should not have an expectation of privacy in regards to any University-owned property and equipment. The University reserves the right to enter and inspect any University property at any time, with or without notice.
8.6 Updated 6/1/2010; 7/1/2015
8.7 Political Activities
(Board Policy 465.1; Arkansas State Personnel Policy)

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

Any employee who intends to seek public office or to assume a major role in a political campaign is obligated to discuss his/her plans with his/her supervisor. If the supervisor determines that the activity will impinge, to any extent, upon the full discharge of the employee’s responsibilities to the University, the plans must be reviewed through regular administrative channels, to include the Chancellor, to the President’s Office for a determination of workload and salary adjustment.

Involvements that require part- or full-time services, and for which more than token compensation is received, will require a reduction of workload and pay, leave of absence, or resignation, depending on the extent of the activity.

8.7.1 Political Leave. If elected to a full-time county, statewide, or national office, employees may be granted a leave of absence without pay for one year and for a second year at the discretion of the Board of Trustees. In no instance, will the leave be extended beyond the second year. If an employee is elected to the Arkansas General Assembly, he or she will be required to take a leave of absence without pay when the General Assembly is in session.

8.7 Updated 12/2001; 6/2015

8.8 Relationship with Legislators and Elected Officials
(ACA §21-1-501 et.seq. and §25-19-105; Arkansas State Personnel Policy)

As citizens, employees have the right to exercise freedom of expression on legislative matters. However, employees should not, unless authorized, attempt to speak on behalf of the University in discussions with members of the Arkansas General Assembly, Arkansas constitutional officers, members of Congress, or local and county elected officials.

Employees have the right to communicate with elected officials concerning matters related to their job and cannot be subjected to discipline, reprimands (oral or written), or notations in their personnel file because the employee exercised the right to communicate with an elected public official. However, if an employee intentionally makes untrue allegations to an elected official concerning matters related to his/her job, or if an employee communicates confidential information (as defined in the following paragraph) they may be subject to discipline.

State employees are prohibited from communicating certain matters deemed confidential, obtained in the performance of their duties, i.e., medical records, education records as defined by FERPA, state income tax records, undisclosed investigation by law enforcement agencies, documents protected from disclosure by order or rule of court, personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy, etc. as exempted under ACA. §25-19-105.

8.8 Updated 6/1/2010
8.9 **Academic Freedom**
UAFS subscribes to the American Association of University Professors’ (AAUP) interpretation of academic freedom as laid out in the *1940 Statement on Academic Freedom and Tenure*, which reads as follows:

“Teachers are entitled to full freedom in research and in the publication of 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 their 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.”

8.9 Updated 10/2006

8.10 **General Standards of Conduct**
Some topics covered in this policy may be covered elsewhere in the Employee and/or Faculty Handbooks. Employees owe employers loyalty and should avoid any personal or outside interest that might conflict with the interests of the institution. Employees are expected to adhere to all federal, state, and municipal laws and ordinances and to adhere to all University policies and procedures, as well as other guidelines and rules of all regulating agencies or entities having jurisdiction over University activities. When there is a disagreement, employees are expected to use ethical means of dissent to rectify differences, i.e., the official grievance procedure and/or the appropriate chain-of-command.

Employees may not accept or solicit any gift, favor, service, or benefit that the employee should reasonably know is offered with the intent to influence their decisions or actions. Likewise, employees may not solicit, accept, or agree to accept any unauthorized gift, favor, service, or other benefits from having exercised the powers and responsibilities of their official University position.

Employees may not accept other employment or engage in any business or professional activities that would require or induce the employee to disclose confidential information acquired through their official University position.

Employees may not conduct private or personal business using University equipment, systems, supplies, or facilities, nor transport or use University equipment, systems, supplies or facilities for personal purposes. Employees may not conduct private business with the University. Private business on the part of the employee may not conflict with the duties, responsibilities or time commitment required by the employee’s position with the University.
University employees whose positions require (or allow) participation in the selection process of textbooks, or any materials from which the employee might personally gain, will completely withdraw from such processes by not participating in any discussion or by not voting on any recommendations related thereto. Employees may not participate, directly or indirectly, in activities that relate to or consist of the sale or exchange of complimentary textbooks, software, laboratory manuals, or other educationally related items.

Employees may not use their position to lobby students or the general public on issues that are self-serving, where the purpose is for personal or financial gain.

**Important.** The following excerpt from the Student Handbook clearly outlines expectations regarding student conduct. It is included here, because the University expects no less from faculty and staff.

“The conduct of the individual student is an important indication of character and future usefulness in life. It is therefore important that each student maintain the highest standards of integrity, honesty, and morality. All students are expected to conform to ordinary and accepted social customs and to conduct themselves, at all times and in all places, in a manner befitting a student of UAFS.

Conduct unbecoming a student, which reflects adversely upon him/herself or the institution, will result in disciplinary action. Students must not commit acts which are defined as criminal by state, federal, or local laws. An adjudication of guilty by a criminal court is not necessary for the application of discipline by the University if it is determined by the University that the student engaged in the prohibited conduct. If a student’s conduct fails to meet these standards, or if it jeopardizes the safety or rights of others, or if it reflects adversely on the reputation of the University or any of its programs, the student can expect to be reprimanded, have restrictions imposed, or be denied the privilege to continue as a student.”

Likewise, if an employee’s conduct fails to meet these standards, or if it jeopardizes the safety or rights of others, or if it reflects adversely on the reputation of the University or any of its programs, the employee may be subject to disciplinary action, up to and including termination.

8.10 Updated 12/2001

8.11 Children, Other Family Members, or Friends in the Workplace

It is University policy that only those providing or making use of University programs and services should be on campus regularly or routinely, except as bona fide visitors. Consequently, neither employees nor students should have family members, including children or friends, as a regular presence in their workplace or classrooms and other areas of instruction, including laboratories. Exceptions should only be made in response to special circumstances for short periods of time and must be approved by the employee’s supervisor.

8.11 Adopted 6/1/2010

8.12 Electronic Communications and Website Policy


UAFS’s computer and electronic communications systems offer powerful tools for research and dialog among members of the University community and those outside the University
community. The University expects ethical and responsible behavior from individuals using these resources. The UAFS Acceptable Use of Technology Resources Policy applies to all UAFS students, faculty and staff, as well as members of the community who use or access University information technology resources. The entire policy is available online both within My.UAFS and at http://www.uafs.edu. It is the responsibility of all users to read and be familiar with the requirements of the policy.

Computing resources are provided to enhance teaching, research, service, and the activities which support them. When using University computing resources, or being granted the use of a computing account, employees are expected to use their access, accounts, and resources responsibly and for the intended educational, research, and administrative purposes. Employees may not use the account for private consulting or personal gain. Access to privileged or sensitive information should be kept confidential. Any use of computing and network resources should always be legal and ethical, reflect academic honesty, and show restraint in the consumption of shared resources. It should demonstrate respect for intellectual property, ownership of data, system security mechanisms, the right to personal privacy, and the right of individuals to freedom from intimidation and harassment. All users of University computing resources must comply with all federal, state, and other applicable laws; all generally applicable University rules and policies; and all applicable contracts and licenses. Examples of such laws, rules, policies, contracts, and licenses include the laws of libel, privacy, copyright, trademark, obscenity, and child pornography; the Electronic Communications Privacy Act and the Computer Fraud and Abuse Act, which prohibit "hacking," "cracking," and similar activities; the University’s Code of Student Conduct; the University’s Sexual Harassment Policy; and all applicable software licenses. Employees must adhere to copyright and licensing agreements and should become familiar with those for each specific product used before using.

Faculty and staff may produce, in a manner consistent with this policy, an individual My.UAFS web page through their University account. The University does not approve, preview, or censor personal web pages and accepts no responsibility for their content, or for the content of electronic mail communications.

Employees do not own their University computer accounts, but are granted use of them. The University will access electronic files, including email files, if: the employee consents in writing to such access; there is an emergency which may affect someone's physical health or well-being or may result in the damage or destruction of University property; there is reason to believe that a violation of law or University policy is occurring or has occurred; or access is necessary for maintenance of computers, networks, data, and storage systems, or to protect the rights or property of the University or other users.

Electronic files, including email files, of University employees are potentially subject to public inspection and copying under the state Freedom of Information Act (FOIA), which states that "All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records."

Records containing information directly related to a student are confidential and protected from public disclosure by the Family Educational Rights and Privacy Act (FERPA). Employees may not access any such records maintained in an electronic format or disclose or distribute their contents in a manner inconsistent with federal and state laws and University regulations. Confidential information placed in computers must be protected appropriately.
An employee should not give his or her password to any unauthorized user and should take advantage of system-provided protection measures to prevent unauthorized use of or to access accounts, computers, and its network. When an employee ceases to be a member of the campus community, is assigned new responsibilities, or takes a new position, his or her account and access authorization will be reviewed. Employees may not use facilities, accounts, access codes, privileges, or information which they are not authorized to use.

Upon separation, employee access to UAFS computer systems – including email – will be revoked.

8.12.1 Violation of Policy. Employees must not attempt to access, copy, or destroy programs or files that belong to other users or to the University, nor use University computing resources for unauthorized monitoring of electronic communications. Employees must not create, run, install, or knowingly distribute a computer virus, Trojan horse, or other surreptitiously destructive program, email, or data via any University computer or network facility, regardless of whether it results in demonstrable harm. University computers must not be used to annoy, harass, threaten, intimidate, terrify or offend another person, disrupt or damage another person's work, or invade another's privacy. Sending electronic chain letters, spamming, spoofing, and engaging in resource intensive activities unrelated to University functions are also prohibited. Violation of these policies by any member of the University community (student, faculty, staff member, or guest) shall result in discipline up to and including immediate suspension or expulsion for students, termination for faculty and staff members, and loss of user privileges for guests. Violation of these policies may also create civil and criminal liability. For more information, refer to the full text of the UAFS Acceptable Use of Technology Resources Policy.

8.13 Solicitation, Fund-Raising, and Gifts
(Board Policy 225.1; Governor's Policy Directive #4; Arkansas State Personnel Policy)
University facilities are for the non-profit, tax-exempt use of the University's program of higher education and may not be used for raising money not connected with a University activity or for the conduct of private business. However, in certain limited areas, the University contracts with private businesses to provide services on campus for students, faculty, and staff.

University Advancement’s goals are to see that gifts are deposited, disbursed, and processed in a timely manner, that donors are properly thanked and receipted within an appropriate time frame, that alumni and friends of the University are not inundated with requests for support, and that the University’s fund-raising priorities are addressed and met. The following guidelines are intended to ensure the efficient and effective operation of development programs and to maximize the campus' potential for receiving private support. All annual fund programs and solicitation, including direct mail solicitations, are to be carried out by the UAFS Foundation. Campus units may not conduct major gift solicitations or fund-raising activities without the knowledge and consent of the Vice Chancellor for University Advancement. For additional information, contact the Foundation at My.UAFS or call 479-788-7020.

8.13 Updated 6/1/2010
8.14  Relationship with Vendors  
(ACA §19-11-704 thru §19-11-707)  
Employees may not accept gifts, either in-kind or of money, or excessive entertainment, from a vendor. Gifts include any items not obviously of an advertising nature. (Gifts of an advertising nature are all those with the name of the firm affixed or which typically have a unit value of $10 or less.) Excessive entertainment includes, but is not restricted to, transportation beyond University boundaries and overnight accommodations.  

The University will not enter into any contract with an employee to sell or purchase from the employee or a member of the employee's family. The University will in no way do business with any employee acting as an individual, partner, sole proprietor, officer, or director of any firm.  

8.14 Updated 12/2001

8.15  Solicitation of Employees  
(Governor's Policy Directive #4; Arkansas State Personnel Policy)  
Solicitation of employees on University property for membership in and/or contributions to any organization or association is prohibited. Solicitation by agents or salespersons, or employees acting as agents or salespersons, on University premises is prohibited. This policy also prohibits solicitations via UAFS’s email and other telephonic communication systems. Any exceptions must have the written consent of the Chancellor or designee. This does not apply to recognized University student organizations.  

8.15 Updated 6/1/2010

8.16  Conflicts of Interest and Commitment  
(Board Policy 330.1; ACA §§19-11-704 thru §19-11-707)  
University employees need to be sensitive to the possibility that outside obligations, financial interests, or employment may affect their responsibilities and decisions as members of the University community. Involvement of University employees in outside activities, both public and private, often serves the interests of the individual, University, and general public. Participation of individuals in activities outside the University is encouraged to the extent that they do not interfere with the mission of the University in preserving, generating, and disseminating knowledge.  

University employees may be faced with situations that conflict with their obligations, responsibilities, and decisions related to the mission of the University. These conflicts can generally be categorized as conflicts of interest and conflicts of commitment. Conflicts of interest are situations in which University employees may have the opportunity to influence University administrative, business, or academic decisions in ways that could lead to personal gain, give improper advantage to self or others, or interfere with the preservation, generation, or public dissemination of knowledge. Conflicts of commitment are situations in which University employees' time and effort given to outside activities and interests interfere with their obligations and responsibilities to the University.  

Conflicts of interest and commitment are not necessarily unwarranted, unethical, or illegal. Furthermore, conflicts of interest and commitment are not always avoidable. The failure to disclose situations that have the potential for or involve actual conflicts of interest or commitment, however, may be unethical and/or illegal.
8.16.1 Disclosure and Remediation. Situations that have the appearance of, potential for, or involve actual conflicts of interest or commitment must be reported in writing to the employee's appropriate supervisor (i.e., department head, dean, director, vice chancellor). Written disclosure should be made by the individual before any agreements are completed between the employee, University, and any outside organizations. Modifications to existing agreements should be reported as they occur. In addition, continuing agreements should be reported on an annual basis. In disclosing these situations, the employee should indicate any steps that can or will be taken to avoid or minimize any conflicts.

After consulting with the employee, considering whether an actual or potential conflict of interest or commitment exists, and the ramifications for the University, the appropriate vice chancellor will determine the course of action to be taken. (If the situation involves a vice chancellor, the Chancellor will determine the course of action to be taken.)

8.16.2 General Guidelines. The following list provides some examples of the type of situations that may involve conflicts of interest or commitment and should be disclosed. Because a particular situation appears on the list does not necessarily mean that a conflict of interest or commitment exists. Even if a conflict exists, the situation may be unavoidable or in the University's best interest and allowed to continue. The list of situations is not all inclusive. Other situations or activities may exist that have the appearance of, potential for, or involve actual conflicts. Situations, whether listed below or not, that have the appearance of, potential for, or involve actual conflicts of interest or commitment should be disclosed.

- Employee or immediate family member ownership, management, or other business ties with a private or public organization that has dealings with the University.
- Participation in outside business activities.
- Teaching credit or noncredit courses, seminars, or workshops for anyone other than the University.
- Requiring material for use by students for which the instructor derives direct or indirect financial benefit.
- Fees provided for professional service including consulting, honoraria, royalties, or expert testimony.
- Continuing role in the business efforts of a commercial enterprise.
- Service or financial interest in an entity that provides grants or contracts.
- Time and effort in extracurricular activities that interfere with obligations, duties, and responsibilities to the University.
- Employee or immediate family member having a financial interest in University decisions.
- Use of University facilities, employees, or students in personal or commercial activities.
- Use of official University position for personal/family gains/interests.
- Appointment, promotion, supervision, or management of an immediate family member.
- Acceptance of gifts or gratuities offered because of University position.
- Use of University credit, purchasing power, or facilities for non-University activities.
- Advertising endorsements based upon University position.

Related policies include: 3.13 Nepotism, 3.16 Outside Employment, 8.2 Use of University Property and Facilities, and 8.7 Political Activities.
8.16.3 Grants and other Federally Funded Programs. The above guidelines apply to all grants and other federally funded programs. Key personnel involved in programs funded by federal programs must complete a Financial Disclosure Form. All project investigators must complete the form including the project directors, principal investigators, and any other key personnel who are responsible for the design, conduct, or reporting of a grant funded project. The actual reporting process is subject to change based on the guidelines of each grant. Also, sub-grantees, contractors, and other collaborators may be required to fill out a disclosure form or provide certification from their organization to prove they are in compliance with federal policies regarding investigator significant financial disclosure.

All project investigators, as indicated above, must report (1) their significant financial interests which could appear to be affected by the project, and (2) the significant financial interests of their spouses and dependent children which could appear to be affected by the project. A significant financial interest is anything of monetary value received from non-UAFS sources that could reasonably appear to be affected by the project including, but not limited to, the following: (1) salary or other payments for services (e.g., consulting fees or honoraria); (2) equity interests (e.g., stocks, stock options, or other ownership interests); and (3) intellectual property rights (e.g., patents, copyrights, and royalties from such rights). A significant financial interest does not include salary or other remuneration from UAFS.

Disclosure forms will be returned to the appropriate vice chancellor who will determine whether any of the reported financial interests could directly and significantly affect the design, conduct, or reporting of the research or project activities. If a potential conflict of interest exists, the vice chancellor will review the disclosure forms and recommend action. Records of all financial disclosures and all actions taken by the University, with respect to each conflicting interest, will be retained for at least three years (or as specified by the grant) from the date of submission of the final expenditure report on the specified grant project.

Any UAFS employee who knew of, or could reasonably have been expected to know of, and deliberately failed to respond appropriately to a potential conflict of interest will be subject to disciplinary action ranging from reprimand to discharge.

The disclosure form must be updated annually by October 1 or when additional potential conflicts arise during the year. For further information, or to obtain a Financial Disclosure Form, contact the Grants Officer at 479-788-7925.

8.17 Copyright and Licensing Agreements
(Board Policies 210.1 and 210.2)

UAFS complies with all copyright and licensing agreements. Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

The Copyright Act generally gives the owner of the copyright the exclusive rights to use the work and to authorize others to use the work. It is illegal for anyone to violate those rights through unauthorized use of the copyrighted works. However, the Act established certain
limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of “fair use.” In other instances, the limitation takes the form of a “compulsory license” under which certain limited uses of copyright works are permitted upon payment of specified royalties and compliance with statutory conditions.

Some academic uses of copyright materials are exempt from copyright restrictions by the Fair Use Doctrine. Often, however, a compulsory license is needed. To ensure full compliance with the law, never reproduce or distribute copyrighted materials without consulting copyright guidelines available online at https://my.uafs.edu (My.UAFS) or contact the Director of Library Services at 479-788-7200.

8.17 Updated 6/1/2010

8.18 Emergency Action Plan
Recognizing that each individual must ultimately be responsible for his or her own personal safety, there are certain institutional provisions which help safeguard the health, safety, and welfare of employees and students. UAFS’s Emergency Action Plan is designed to provide a controlled, supportive environment for the institution and its representatives and to allow resolution of any incident as quickly as possible with minimal impact on everyone. The plan covers, but is not limited to, the following types of incidents:

- Accidents and medical emergencies
- Disturbances and criminal behavior
- Explosion and chemical leaks
- Bomb threats
- Fire
- Severe weather

Emergency action plan documents are available online at https://my.uafs.edu (My.UAFS). For additional information please contact the office of Environmental, Health and Safety at 479-788-7187 or University Police at 479-788-7141.

8.18.1 Rapid Response Information. This covers emergency procedures for fire, building evacuation, tornado warnings, suspicious person, suspicious object, power outage, and hazardous materials release.

8.18.2 Emergency Action Plan (EAP) Document. The EAP Document (available online) covers the above topics and more in greater detail. Each department maintains an EAP Quick Reference Guide. All employees should be familiar with the location.

8.18.3 Emergency Maps. There are detailed maps for each building on campus. Maps show suggested evacuation and shelter locations for each building and floor.

This information is also contained in section 9.9.

8.18 Updated 9/2009

8.19 Chronic Communicable Disease Policy
UAFS places a high priority on the need to prevent the spread of chronic communicable diseases on campus. Because there is currently no cure or vaccine for a number of chronic communicable diseases, prevention of transmission is essential.
An employee with a chronic communicable disease, or who is a carrier of such a disease, will be permitted to retain his or her position whenever, through reasonable accommodation, there is no significant risk of transmission of the disease to others.

A student who has a chronic communicable disease, or who is a carrier of a chronic communicable disease, may attend the University and participate in programs and activities whenever, through reasonable accommodation, there is no significant risk of transmission of the disease to others. A student may be denied admission to, or may be dismissed from, a particular program or course of study whenever such disease presents significant risks of transmission having a direct effect on the student’s ability to perform effectively, thereby rendering the student not qualified for the program or course of study.

No other person who has a chronic communicable disease or who is a carrier of a chronic communicable disease will be denied the use of University facilities or services whenever, through reasonable accommodation, there is no significant risk of transmission of the disease to others.

8.19.1 Right to Privacy. The University will respect the right of privacy of any student or employee who has, or is a carrier of, a chronic communicable disease. The medical condition of an affected person will be disclosed only to the extent necessary to minimize the health risks to other employees and students.

8.19.2 Protection against Chronic Communicable Diseases. Each individual employee or student will notify the appropriate vice chancellor if he or she has, or is a carrier of, a chronic communicable disease when there is a risk of transmitting the disease to others on campus. The willful or careless exposure of other persons by an individual who has, or is a carrier of, a chronic communicable disease is a reckless, inconsiderate, negligent act which endangers everyone. If it is determined that a person has, or is a carrier of, a chronic communicable disease and that person has not taken adequate precautions to prevent transmission of the disease to others, that person will be subject to termination or dismissal from the University.

8.19.3 Reporting Procedures. Employees and students will notify the vice chancellor in person or by confidential letter if they have, or are a carrier of, a chronic communicable disease. Such notification allows the University to evaluate each individual case and take the necessary precautions to minimize the risks of transmission to others. It is essential that strict confidentiality be maintained regarding the health condition of any student or employee.

8.19.4 Education Programs. The University will make available educational materials on the risks of exposure and transmission of chronic communicable disease. Employees may contact Human Resources for more information. Educational brochures will be distributed to students as part of the registration process.

8.19.5 General Precautionary Measures. Within the past few years a virus which attacks the immune systems of the body, the Acquired Immune Deficiency Syndrome (AIDS) has been identified. Both this virus and the Hepatitis B virus are transmitted primarily through blood and body fluids. The seriousness of these diseases demands that all students, employees, and others take precautions to prevent the transmission of, or contact with, such viruses. It will be the practice on campus to universally avoid and
take special precautions in any activity or behavior which allows the contact/transfer of blood or body fluids from one person to another. Anyone willfully disregarding this precaution will be subject to disciplinary action.

8.19.6 Precautionary Measures for Specific Groups:

8.19.6.1 Health Sciences Faculty and Students. College of Health Sciences faculty members and students in health sciences programs could be exposed to chronic communicable diseases on more than a casual, routine basis. Accordingly, special precautions and protective measures are necessary to prevent needless exposure to chronic communicable diseases. The Dean of the College of Health Sciences will take action to see that precautions, as recommended by the Centers for Disease Control and the Arkansas Health Department, are rigidly practiced in all health occupation programs.

8.19.6.2 Faculty and Students in the Sciences. Traditional methods of instruction in the laboratory sciences frequently involve contact and exposure to human blood and body fluids. Current scientific data indicate that special precautions need to be practiced in such contact/exposure situations. The Dean of the College of Science, Technology, Engineering, and Mathematics will take action to see that adequate precautions are taken in instructional situations, which have the potential to present exposure risks to chronic communicable diseases.

8.19.6.3 Faculty and Students during Certain Athletic Events. Certain kinds of athletic activities involving bodily contact may occasionally result in accidents or injuries which expose blood or body fluids. The Vice Chancellor of Student Affairs will take action to see that faculty and students are aware of and practice precautionary measures in situations which have the potential to present exposure risks to chronic communicable diseases.

8.19.6.4 Food Service Personnel. The Vice Chancellor for Finance will take action to see that food service personnel have an annual health assessment and that they routinely practice precautionary measures designed to prevent the transmission of chronic communicable diseases.

8.19.7 Blood Borne Pathogens/Infectious Disease Exposure Control. In clinical areas where exposure to blood borne pathogens and/or infectious disease may occur, directors are required to maintain exposure control procedures. Procedures will include up-to-date exposure control handbooks for faculty, staff, and students enrolled in health science programs and mandatory training for individuals employed in clinical areas where exposure may occur.

The Dean of the College of Health Sciences is responsible for policy compliance. For additional information, refer to exposure control handbooks for applicable instructional programs.

8.19.8 Employees with Chronic Communicable Diseases. There is no intent to automatically dismiss employees who have chronic communicable diseases, as long as the disease does not interfere with job performance, and there are no significant risks of
transmitting the disease to others. There are several chronic communicable diseases, each presenting its own unique symptoms, effects, and transmission risks.

Due to the variety of possible situations that may occur, it is not feasible to provide specific, definitive administrative procedures that will apply in each case. The following procedures will serve as a general guide, which may be utilized as the specific situation dictates:

- An employee with a chronic communicable disease may be temporarily excluded from campus until the risks of transmission of the disease to others can be reasonably determined.
- The medical condition of the employee will be known only to the applicable vice chancellor.
- After advice from selected consultants, the vice chancellor will decide whether the employee with a chronic communicable disease constitutes a threat to the health of others and will notify the employee of the decision. If the threat to other employees is unacceptable and reasonable accommodation is not possible, the employee may be suspended or discharged. The employee may appeal the vice chancellor’s decision to the Chancellor.
- In cases where employment is continued, the vice chancellor may require the employee to be evaluated periodically by selected consultants to assure that the risk of transmission remains stable and that job performance is not affected by the disease.
- In the event that a chronic communicable disease in an advanced stage prevents an employee from being able to perform effectively, the employee may be placed on leave or disability status.

8.19.9 Students with Chronic Communicable Diseases. There is no intent to exclude a person with a chronic communicable disease from attending UAFS or from using University facilities provided there is no significant risk of transmission of the disease to others. The risks of transmission vary greatly depending upon the particular disease. As a public institution, the University must take reasonable precautionary measures to minimize the risk of transmission to other students. The goal of the University is to protect the rights of the student who has the disease, while concurrently minimizing the danger to other students.

Specific procedures cannot be prescribed to assure this balance between individual rights and the rights of others which will be applicable or effective in the wide range of situations which may occur. The following procedures will serve as general guidelines which may be utilized as the situation dictates:

- When there is a question concerning admission or dismissal of a student with a chronic communicable disease, the Provost may temporarily exclude the student from campus until the risk of transmission can be reasonably determined.
- The Provost may seek medical, psychiatric, or other expert advice in deciding the risk of transmission.
- The Provost will make the decision on admission, suspension, or dismissal after consultation. A student may appeal the Provost’s decision to the Chancellor.
- The Provost will continue to monitor individual situations, seeking continued expert advice as warranted.
• The student’s medical condition will be known only to the Provost/Chancellor and medical consultants unless the Provost deems it necessary to notify certain key persons in order to minimize the health risks to others.

8.19 Updated 12/2001
9 CAMPUS SERVICES

9.1 Addresses, Building Locations, and Campus Map
The official UAFS mailing address is:
University of Arkansas - Fort Smith
5210 Grand Avenue
P.O. Box 3649
Fort Smith, AR 72913-3649
The Post Office requests the use of all four address lines and the ZIP+4.

For Federal Express, UPS, and other deliveries, use:
5210 Grand Avenue
Plant Operations, Room 139
Fort Smith, AR 72903

To insure receipt of the material, shipments must include a department or employee’s name.

For reference, the following is a list of major buildings and other University facilities, including common building location codes:
Amphitheater (AM)
Athletic Field (AF)
Baldor Technology Center (BD)
   Rollie Boreham Conference Center, BD 101
   John McFarland Manufacturing Technology Lab, BD 208
   R.L. Qualls Distance Learning Lab, BD 247
Ballman-Speer Building (BS)
The Blue Lion at UAFS Downtown (BL)
Boreham Library (LI)
   Pebley Historical and Cultural Center (LI106)
Breedlove Building (BB)
   Breedlove Auditorium
Business Center (BC)
Business & Professional Institute (BI)
   Latture Conference Center, BI102
   David L. Bond Conference Room, BI211
Crowder Field
Drennen-Scott Historic Site (DS)
Echols Building (EC)
   Echols Conference Center, EC106
Flanders Business Center (FL)
   Hill-Williams Lecture Hall, FL100
Fullerton Administration Bldg. (FA)
   Mary Tinnin Jaye Gallery, FA Lobby (1st and 2nd floors)
Gardner Building (GB)
Gymnasium/Field House (GY)
Holt Building (HT)
Lion’s Den Residence Hall (LD)
   Includes the following buildings: North Hall, South Hall, Dining Hall
Lion’s Plaza (LP)
Math-Science Building (MS)
  Donald W. Reynolds Conference Room, MS116
  Gelly Lecture Hall, MS101
Pendergraft Health Sciences Center (HS)
  Powell Student Health Clinic, HS257
  UAFS Dental Hygiene Clinic, HS136
  UAFS Counseling Center, HS312
  Weidman Center, HS133
Plant Operations Building (PO)
Recreation and Wellness Center (RAWC) (RW)
Reynolds Tower and Campus Green
Sebastian Commons Apartments (SBMNS)
  Includes the following buildings: Donoho, Wortz, Callaway, Bronson, Long, Hannah, Furr, Orr
Smith-Pendergraft Campus Center (CC)
  Board Room, CC126
  Box Office, CC103
  Dining Services, CC140
  Lions Bookstore, CC145
  Reynolds Room, CC130A-E
  Sally Boreham Gallery, 2nd Floor
  Traveling Art Exhibit Gallery, 1st Floor, Main Concourse
Stubblefield Center (SC)
  Fort Smith Athletic Club Room (Hospitality Room), SC209
Sustainable Conservation House (SH)
Vines Building (VB)
  Gordon Kelley Learning Assistance Center, VB202
Visual Arts Building (VA)
Wenderoth Park (WP)
51st Street Annex

For a list of named rooms and facilities, contact University Advancement at 479-788-7029. Campus map is available online at My.UAFS.

9.1 Updated 6/1/2010, 7/2016

9.2 Athletic Events
All employees and members of their immediate family are eligible for free tickets to most regular season home athletic events. Tickets are available from the Campus Center Box Office, CC103, or the Athletic Ticket Office at the Stubblefield Center. More information, including game schedules and up-to-date information on each team, is available online at https://uafs.edu or by calling 479-788-7590.

9.2 Updated 6/1/2010

9.3 Bookstore
The Lions Bookstore, located in the Smith-Pendergraft Campus Center, is operated by Barnes & Noble Booksellers, Inc., and stocks textbooks, reference and general reading books, magazines, supplies, clothing, snacks, and gift items. Employees receive a 10% discount on many of their purchases when they show their employee identification card at the time of
purchase. Contact the Lions Bookstore, CC145 for more information or visit their website at http://uafs.bncollege.com.

9.3 Updated 6/1/2010

9.4 **Boreham Library**
The Boreham Library offers resources and services to support the teaching, research, and learning activities of UAFS faculty, staff, and students. Employees are eligible for most library privileges. Employee identification cards serve as a library card.

Any employee with a current employee ID may borrow library items. Reciprocal borrowing privileges allow employees to receive library privileges from UAFS, Fort Smith Public Library, and Scott-Sebastian Regional Library. For more information, contact the library at 479-788-7200 or visit the library at https://my.uafs.edu (My.UAFS).

9.4 Updated 6/1/2010

9.5 **Business Cards**
Business cards are available for employees who need them for official business purposes. There is a standard format for all orders as set by the legislature and the Office of State Procurement. To place an order, complete a Business Card Order Form and submit to Marketing and Communications. Additional information and order forms are available at, https://my.uafs.edu (My.UAFS) or call 479-788-7516.

9.5 Updated 6/1/2010

9.6 **Computer/Email Access**
All employees are provided network credentials (e.g., username and password), which provide access to a wide range of campus technologies, including a UAFS email account. These accounts are to be used for UAFS purposes and should not be used for personal purposes.

Users are encouraged to periodically purge their email records to conserve space by eliminating out-of-date and unnecessary materials. Like all University property, computer files, including email, are subject to examination by the University. For assistance with managing disk space, files, email, and other electronic content, please contact the Technology Service Desk at (479)788-7460 or via email at uafs@service-now.com.

Upon separation, access to all UAFS technology systems—including email—will be revoked.

9.6 Updated 6/1/2010; 3/2015

9.7 **Cultural Activities**
The University offers a wide range of cultural and educational activities that are available to members of the University community and to the general public.

9.7.1 **The Chancellor’s Coalition for the Visual Arts** offers a variety of arts, University collections, and exhibits to enhance and support the education of students, employees, and members of the community. Among the resources are the Mary Tinnin Jaye Gallery, located in the Fullerton Administration Building; the Sally Boreham Gallery located on the second floor of the Smith-Pendergraft Campus Center; and the Traveling Art Exhibit Gallery, located along the main concourse of the Smith-Pendergraft Campus.
Center, just outside the Reynolds Room. Other cultural activities offered include theater performances, concerts, and other musical performances, lectures, panel discussions, films, symposia, historical and cultural exhibits, festivals, international programs, and other events. Information about upcoming events is available on the University website.

9.7.2 Season of Entertainment. UAFS’s Season of Entertainment offers a wide variety of cultural entertainment events that include national touring productions and UAFS concerts and productions. To get on the mailing list to receive the Season update, email boxoffice@uafs.edu or call Campus and Community Events at 479-788-7300.

9.7 Updated 6/1/2010; 3/2019

9.8 Dining Services
UAFS Dining Services is open to employees, students, and the general public. The cafeteria is located in Smith-Pendergraft Campus Center and offers a food court with daily lunch specials and a variety of menus. Catering services are available. For more information, contact Dining Services at https://my.uafs.edu (My.UAFS) or call 479-788-7312.

9.8 Updated 6/1/2010

9.9 Emergency Action Plan
UAFS’s Emergency Action Plan is designed to provide a controlled, supportive environment for the institution and its representatives, and to allow resolution of any incident as quickly as possible with minimal impact on everyone. The plan covers, but is not limited to, the following types of incidents:

- Accidents and medical emergencies
- Disturbances and criminal behavior
- Explosion and chemical leaks
- Bomb threats
- Fire
- Severe weather

Emergency action plan documents are available at https://my.uafs.edu (My.UAFS). For additional information, please contact the office of Environmental, Health and Safety at 479-788-7187 or University Police at 479-788-7141.

9.9.1 Rapid Response Information. This covers emergency procedures for fire, building evaluation, tornado warnings, suspicious person, suspicious object, power outage, and hazardous materials release.

9.9.2 Emergency Action Plan (EAP) Document. The EAP Document (available online) covers the above topics and more in greater detail. Each department maintains an EAP Quick Reference Guide. All employees should be familiar with the location.

9.9.3 Emergency Maps. These are detailed maps for each building on campus. Maps show suggested evacuation and shelter locations for each building and floor.

This information is also contained in section 8.18.

9.10 Health and Safety
Unsafe workplace conditions should be reported to supervisors immediately. Unsafe conditions elsewhere on campus should be reported to the Office of Health and Safety in the University Police Department.

Health and Safety provides training in safety procedures and equipment use, including fire prevention; hazardous materials management; chemical handling and storage procedures; disposal of laboratory animals, laboratory chemicals, biological waste, radioactive waste, or other hazardous waste; radiation safety; occupational health and safety; chemical and laboratory safety; emergency equipment selection and testing; building environmental conditions; and compliance with environmental health and safety laws and regulations. Detailed information on emergency procedures is available online at https://my.uafs.edu (My.UAFS). For more information, contact the Office of Health and Safety at 479-788-7187 or University Police at 479-788-7141.


9.11 Recreation and Wellness Center (RAWC)
The Recreation and Wellness Center (RAWC) provides educational, physical, and social activities to meet the fitness, recreational, and wellness needs of the University community. The RAWC staff is committed to providing educational opportunities and extensive access to the facility to reduce health risks, and improve morale and quality of life. The Recreation and Wellness Center (RAWC) is available for use by all employees. The RAWC provides a variety of equipment including a climbing wall, a bouldering wall, two full-sized basketball courts, a walking/jogging track, treadmills, elliptical cross-trainers, rowers, stationary bikes, free weights, and the super circuit to increase cardiovascular efficiency and strength and endurance.

9.11 Updated 6/1/2010; 3/2019

9.12 Technology Services
The Technology Service Desk is available to offer assistance with computer software and hardware problems, computer moves, equipment requests, telephone problems and requests, computer and email training, network problems, and network access. The Technology Service Desk is available from 7:00 am until 9:00 pm, Monday through Friday. They are located in the Gardner Building, Room 102. You can reach them via phone at (479) 788-7460 or by email at uafs@service-now. For complete technology support information, please visit the Technology Services site in My.UAFS.

9.12 Updated 12/2001; 3/2015

9.13 Identification Cards
Employee identification cards (Lions ID Cards) are available to all University employees. ID cards are required for electronic time-entry for hourly employees and serve as “key cards” for some buildings.

ID cards are made during normal business hours at the Records Office in the Smith-Pendergraft Campus Center, CC222. Employees must complete required paperwork in Human Resources and provide a form of picture identification to obtain a University ID.

Employee must report any lost, found, or stolen card immediately to their supervisor, the Technology Desk, and to University Police. There is a replacement charge for lost cards. The
cards are non-transferable and are valid only while actively employed at the University. Cards cannot be duplicated or loaned to anyone. Any employee found in violation of this policy will be subject to disciplinary action.

ID Cards must be returned upon termination of employment.


9.14 Keys
Keys are issued to employees on an as-needed basis only. Employees must personally sign for keys at the Plant Operations Office, PO141. Keys cannot be duplicated or loaned to anyone. Employees are responsible and fully accountable for all keys issued to them. Any employee found in violation of this policy will be required to return all University keys and will be subject to disciplinary action. Employees must report any lost, found, or stolen keys immediately to their supervisor and to University Police.

9.15 Updated 6/1/2010

9.15 Lions Alert Text Messaging Service
Lions Alert is a notification system used for informing the UAFS community of emergency situations and campus closings. Lions Alerts may be communicated via phone call, text message, and/or email. The University’s goal is to keep employees and students abreast of the latest information. Employees who are registered with Lions Alert can receive timely alerts directly to their cell phones, email accounts, and other communication systems when urgent information is disseminated to the UAFS community.

Note: Private Internet service providers or page/cellular phone carriers may charge a per-message fee for Lions Alert text messages.

All active employees are automatically registered with Lions Alert. To configure your Lions Alert account with additional texting, email, or voice contact information, click on the Go to Lions Alert link in My.UAFS (https://my.uafs.edu). IMPORTANT: The contact information provided by the employee for the Lions Alert service will not be used for any purpose other than emergencies and campus closing notifications.


9.16 Lost and Found
A central lost and found office for the campus is located in the Box Office in the Smith-Pendergraft Campus Center, CC103. The campus telephone number is 479-788-7300.

9.16 Updated 12/2001

9.17 Mail and Postal Services
Campus mail services are co-located with the Shipping and Receiving Department, located in the Plant Operations Building 138. Services are for official business use only. Mail is delivered twice a day to most University departments. Each building has a centralized area from which mail is picked up and delivered. For information about delivery/pickup locations and times, for
postal guidelines, and/or for assistance with special mailings (registered, certified, nonprofit, bulk, first class pre-sort, etc.), contact the mail room at 479-788-7175.

9.17 Updated 6/1/2010

9.18  Marketing and Communications
The Marketing and Communications Department is available to assist faculty and staff in the creation of print materials that reflect positively on the University brand and convey information in a way consistent with UAFS’s official Style Guide. The department can provide samples of official UAFS logos. Employees are strongly encouraged to contact the department when using official logos.

For document templates or to request assistance with a project (ads, brochures, t-shirt design, photography services, assistance with newsletters, and other promotional items), the Open Project Form is available online at My.UAFS or by calling 479-788-7154.

9.18 Updated 6/1/2010

9.19  Media Services (available through the Technology Service Desk)
The Technology Service Desk provides an array of instructional technology services for teaching and conference support. Normal audio-visual support hours are 8:00 am to 5:00 pm, Monday through Friday. Requests for after-hours and weekend support must be made in advance. For assistance, email the Technology Service Desk at uafs@service-now.com or call 479-788-7460. The Technology Service Desk is located in the Gardner Building, GB102. Their My.UAFS website is available via the Campus Services and Information menu.


9.20  Notary Public
A number of individuals on campus have been commissioned as notaries. Contact Human Resources at 479-788-7080 for the name and location of a notary.

9.20 Updated 12/2001

9.21  Parking
The University has ample free parking available. Naturally, there are peak periods and times when convenient parking is more difficult. Employees are encouraged to arrive on campus early during the morning rush periods at the beginning of each fall and spring semester. Please drive with caution at all times. Parking is provided at the employee’s own risk. The University is not responsible for damage, theft, or vandalism to vehicles or their contents.

The following areas are designated as no-parking zones: any posted areas, driveways, sidewalks and walkways, grassy areas, and areas adjacent to red curbing. All city and state laws regarding parking in handicapped spaces, fire lanes, and other restricted areas are strictly enforced. University Police will issue tickets and/or have vehicles towed at the owner’s expense.

University Police can issue two types of citations, University and Municipal tickets. University tickets fall under the jurisdiction of UAFS and applicable fines are payable to the University. Municipal tickets fall under the jurisdiction of the City of Fort Smith, the same as issued by any other certified police officer; they are collected by the City, and will appear on permanent driving
records. A map with specific parking locations is available online at https://my.uafs.edu (My.UAFS).

9.21.1 Handicapped Parking. Handicapped parking is conveniently located in all lots and is available to employees who have an authorized permit. State law governs the use of handicapped parking. Violating handicapped parking laws is a serious offense. UAFS has a zero-tolerance policy. Violators will receive municipal tickets. Contact University Police 479-788-7141 or Plant Operations at 479-788-7170 for more information or for assistance.

9.21 Updated 6/1/2010; 3/2019

9.22 Plant Operations

Plant Operations is responsible for the operation and maintenance of the physical facilities of the University. This includes building and systems maintenance, custodial services, grounds and landscape maintenance, campus moves, set-up for special events, mail services, shipping and receiving, facility key control, motor pool, and recycling.

The attractiveness of campus property and grounds is important to staff, students, and the community. Prospective students and members of the community often form a first impression of the University based on the appearance of the campus. All employees are encouraged to assist in helping to keep the campus clean, safe, and attractive. If an employee sees an area that needs attention or repair, such as a plumbing problem, custodial issue, safety issue, etc., call the Plant Operations Department. Never leave an area unsecured where there is imminent danger to students and employees. Do not attempt to make equipment or facilities repairs. If the situation is serious or requires immediate attention, call Plant Operations at 479-788-7170. To request routine services such as cleaning, moving, renovation, painting, paper delivery, and any other custodial, maintenance, shipping/receiving or grounds service, complete the appropriate Request Form available online at https://my.uafs.edu (My.UAFS).

9.22 Updated 6/1/2010

9.23 Procurement Services


All University purchases are governed by rigid Arkansas State purchasing/procurement laws and regulations. Employees responsible for purchasing goods or services should contact the Director of Procurement or their departmental buyer to schedule an orientation session. Employees who do not adhere to purchasing/procurement laws and regulations are subject to personal liability for any purchases made.

For information about purchasing any goods or services, petty cash, formal bids, or professional services contracts, contact Procurement Services at 479-788-7073 or refer to the Procurement Policies and Procedures Manual available online at https://my.uafs.edu (My.UAFS). Inquiries about UAFS Procurement Cards (P-Cards) should be directed to the Accounts Payable Manager at 479-788-7077.

9.23 Updated 6/1/2010; 3/2019
9.24  **Public Information**  
As a public institution, UAFS complies with the Arkansas Freedom of Information Act and performs its business in an open and public manner. While believing in open and full disclosure, the administration also recognizes that information released to media should be released through appropriate channels. The Chancellor makes official statements affecting the University and has charged the Public Relations Office with releasing other information to the news media, answering news media queries to the campus, and scheduling any requested interviews. Requests from sports media are handled by the Sports Information Director.

9.24.1  **News Releases and Public Service Announcements.**  The Public Relations Office serves as the news bureau for the University. The Director writes and disperses news releases and public service announcements to the media. Depending on the timing of the event, some publication deadlines are as much as six to eight weeks in advance. This office is also responsible for the Speakers’ Bureau, UAFS News on the University website, and is in charge of messages on the marquee on Grand Avenue. For more information, contact the Director at 479-788-7025. For the latest news, check out Campus Headlines on the UAFS website at [https://uafs.edu](https://uafs.edu).

9.24.2  **Speakers Bureau.**  The UAFS Speakers Bureau provides an opportunity for University employees to share their expertise, on and off the job, with local civic and professional organizations. To be a part of the Speakers Bureau, contact the Director of Information at 479-788-7025. More information is available online at [https://uafs.edu](https://uafs.edu).

9.25  **Staff Development**  
The University recognizes the importance of providing opportunities for growth and change at both individual and organizational levels. Staff development funds are available to link workplace learning with the University’s strategic goals, as well as with departmental objectives. Contact your supervisor or the appropriate vice chancellor for more information.

9.25 Updated 12/2001

9.26  **Telephone Services**  
UAFS’s telephone system is owned and maintained by the University. To report problems or to request service, contact the Technology Service Desk at uafs@service-now.com, choose the ServiceNOW menu in My.UAFS, or call them by phone at 479-788-7460.

Employees should not attempt to move campus telephones on their own. Campus phones are VoIP phones, which means the phone service is provided by the campus (computer) network. Each telephone requires an active, powered network jack. In addition, personal computers may be connected through the phone. Cables that are not properly connected will not work.

**Important:** Contact the Technology Service Desk before connecting fax machines, modems, or any other devices not provided by the University. Equipment can be damaged if not connected to the correct faceplate.

9.26.1  **Outside Line.**  Dial “9” to access an outside line. This is not necessary for emergency services. The system has been programmed to accept “9-1-1” calls.
9.26.2 Long Distance Access Code. To receive a long distance authorization access code, contact the Technology Service Desk. Employees are responsible for all calls made with their authorization code. Long distance telephone calls are authorized for official University business use only.

9.26.3 Personal Calls. UAFS purchases enough telephone capacity to provide for the business needs of the institution. Personal calls must be limited to ensure adequate capacity for University business users. If personal long distance calls are made, they must be charged to a home phone number or to a personal credit card.

9.26.4 Telephone Credit Card. Employees who are required to travel or who need to make long distance business calls from home, may request a University business calling card. Cards are available from the Finance Office at 479-788-7050.

9.26.5 Telephone Training. UAFS’s telephone system has different types of telephone sets with many special features and functions available. Telephone user guides are available in the Technology Services Knowledge base within My.UAFS. Contact the Technology Service Desk for support or assistance.

9.27 Travel
(State of Arkansas Procurement Law Rules and Regulations)
University travel is governed by rigid Arkansas State laws and regulations. For information about travel, hotel reservations, airfare, reimbursement for meals and other expenses, refer to Travel Procedures available online at https://my.uafs.edu (My.UAFS).

9.28 University Police
(Crime Awareness and Campus Security Act of 1990)
UAFS strives to provide a safe and secure environment for students, employees, and visitors. Maintaining security and safety is the responsibility of all employees. The University Police Department provides 24-hour professional police services to the campus community. All crimes or suspicious activity on campus should be reported. Emergency telephones are located in each building; emergency telephones with direct access to the University Police are located throughout the Campus Green. The University Police Department is located in the 51st Street Annex, AN231. For non-emergencies, call 479-788-7141; for emergencies, call 479-788-7140. University Police work with other law enforcement agencies to resolve crimes against students and employees and will provide assistance in dealing with harassing phone calls, threats, and vandalism. University Police also provides assistance with crowd control for University-sponsored events, motorist assistance, and escort services on campus at night.

9.28.1 Campus Crime Statistics. UAFS complies with the Campus Crime Awareness and Campus Security Act of 1990. Crime statistics are distributed to employees annually and the annual report is published in the Student Handbook. For further information, or to review daily or annual reports, contact the office of the Vice Chancellor for Finance and Administration at 479-788-7036.
9.29 University Property
University equipment is purchased and maintained for the purpose of supporting the educational process. To that end, the instructional process will always have first priority for the use of equipment.

9.29.1 Equipment Inventory/Transfer. A current, accurate inventory of all equipment and other mobile assets is maintained. Periodic inventory audits are conducted during the year. Each department or individual custodian of equipment or other assets is responsible for safeguarding and certifying inventory balances and will maintain accountability at all times.

Before moving furniture or equipment from one department or budget unit to another, the transfer must be approved by the appropriate administrator and documented on a Fixed Asset Request for Transfer of Equipment Form. This form is available from the Finance Office or on ServiceNow. For further information call 479-788-7057.

9.29.2 Use/Removal of University Property. Unless specifically authorized by the Chancellor or designee, employees may not:
- Make personal use of any University-owned property, vehicles, materials, equipment, or services;
- Use University facilities for any purpose other than University business; or
- Perform services or work for any other business or person during regular work hours.

9.30 Web for Employees
Employees can access information regarding pay, benefits, W-4 and W-2 data, and other personal information through https://my.uafs.edu (My.UAFS) via the Banner Self-Service menu. In addition to providing information about benefits, deductions, and pay, the site provides access links to a number of related sites.

The site is accessible through the Internet and is available to all employees. It is operational 24 hours a day, 7 days a week, with the exception of Friday evenings when the system is taken offline for maintenance and updates. Employees may access computers in the lab at Baldor Technology Center 110 or in the Library subject to availability and during regular hours of operation. Contact Human Resources for more information.
10 EMPLOYEE RELATIONS

10.1 Informal Complaint Resolution
The University encourages open communication between employees and supervisors. Ongoing communication gives employees regular feedback of performance expectations. If an employee has performance problems, he or she should be counseled and coached to facilitate improvement. This discussion is not part of a corrective action procedure. The intent is to provide an informed discussion to help employees identify and correct problem areas.

Employees should make every attempt to resolve problems encountered at work informally, through discussion with the persons involved and in a spirit of goodwill and cooperation. When potential problems are addressed early they are less likely to escalate into grievances. Supervisors may be able to help resolve employee complaints and other problems informally and with as little disruption and distress as possible. If that is not successful, the employee should seek help from the person (or persons) their supervisor reports to, first seeking to resolve the problem within the chain-of-command. In the event that a problem cannot be resolved informally, employees should follow the appropriate grievance procedure.

10.2 Corrective Action Procedures
The University has adopted a procedure of progressive corrective action steps in an effort to enable an employee to correct job performance problems and retain employment at the University. Supervisors retain the right to utilize this process at their discretion.

Generally, a supervisor initiates corrective action procedures, which can progress from one step to the next, when a specific infraction is repeated or when an employee fails to change a specific job behavior after having received a warning concerning the behavior. In some cases the seriousness or frequency of the infraction may warrant a stricter penalty than the normal action steps. Because of the great variety of situations that may arise, the University may need to make decisions related to employment in a manner other than as provided in this section.

In the event the infraction warrants suspension or termination from employment, the supervisor must consult with the Director of Human Resources before any action is taken. All corrective action must be documented and, when appropriate, placed in the individual’s personnel file.

10.2.1 First Level Warning. The first level warning is used as a formal method of informing an employee of a relatively minor violation of university or departmental rules and regulations or other work-related problems. Generally, the first level warning occurs after an employee has received counseling from the supervisor related to the problem behavior. The purpose of issuing the first level warning is to help the employee change the behavior. A first level warning typically follows a verbal warning and must be written. However, the documentation does not have to become part of the employee’s personnel file unless subsequent disciplinary action is necessary.

10.2.2 Second Level Warning. The second level warning may be used when any of the following occur:
- When a work-related violation or performance problem is repeated.
- A similar violation occurs after a first level warning has been issued.
- An infraction of a more serious nature has occurred and action more severe than a first level warning is warranted.
A second level warning must be written and will be included in the employee’s personnel file. Examples of when an immediate second level warning might be appropriate include, but are not limited to, the following: unsatisfactory job performance, failing to report to work and not contacting the supervisor, horseplay, threatening or intimidating another employee, or improper use of university property. At the discretion of the supervisor, stricter discipline could also be applied for any of the behaviors noted.

Corrective action procedures are used at the discretion of the supervisor. The process does not have to progress to a third level warning. A final warning can follow a first or second-level warning, depending on the circumstances. A final warning can be followed by dismissal for cause.

**10.2.3 (Optional) Third Level Warning: Suspension without Pay.** A suspension without pay is the third level in the corrective action procedure. A suspension of three or more scheduled working days is issued when any of the following occurs:

- A violation or performance problem is repeated or a similar violation occurs after the employee has received a first and second level warning
- A suspension is issued when the offense is of such seriousness that a first and/or second level warning is not appropriate.

A third level warning must be written, will be included in the employee’s personnel file, and will result in a loss of pay. Examples of when an immediate suspension might be appropriate include, but are not limited to, the following: unsatisfactory job performance, being under the influence of alcohol or drugs, failure to report to work with no contact being made, any unauthorized release of confidential data, or sleeping while on duty. Stricter discipline, including termination or immediate dismissal, could also be applied for any of the behaviors noted.

**10.2.4 Termination.** If prior disciplinary action does not result in the employee correcting his or her behavior, or if the nature of the violation is so serious that a first, second, or third level warning would not be appropriate, then the employee is subject to termination or immediate dismissal.

Additionally, the following offenses are considered “cause for termination” and employees may be immediately dismissed for any of the offenses. This list is not meant to be all inclusive.

- Reporting to work under the influence of alcohol or an illegal controlled substance (or controlled substances, if abused to the point of intoxication)
- Possession of an illegal controlled substance on university property
- Unauthorized removal or use of property
- Flagrant misconduct, including fighting, insubordination, harassment, threatening, abusive language, or intimidation
- Absence for two days (not necessarily consecutive) without notification
- Chronic tardiness
- Documented abuse of leave
- Breach of confidentiality
- Possession of firearms or other weapons on university property
- Unwillingness or inability to abide by university policies and rules
- Falsification of employment application or credentials, pay records, student records, or other university records
Arkansas is an employment-at-will state. All non-contractual employees of the University, whether full-time, regular part-time, or adjunct, may have their employment terminated by the University at any time, with 30-days written notice or be dismissed for cause in accordance with University procedures. Student workers and other extra-help employees are hired to work at the pleasure of the University and may be terminated at any time without notice. The University does not need to give advance notice if employment is terminated for cause, such as dishonesty, insubordination, other incidents of misconduct, or unlawful behavior.

For more information, or to initiate the grievance procedure, contact Human Resources.

10.3 Grievance Procedure
It is important that employees feel they have been treated fairly and that they receive proper responses to problems and complaints. For this reason, the University provides a grievance procedure to promote prompt and responsible resolutions to disagreements arising from working relationships, working conditions, employment practices, or differences of interpretation of policy that might arise between the University and its employees. Employees can use this procedure freely without fear of coercion or retaliation.

The Director of Human Resources is available throughout the process to assist employees and supervisors in resolving problems, and to provide appropriate assistance in preparing the complaint.

Any regular full-time or part-time employee (see Section 2.3.1 and 2.3.2 for definitions) may process a grievance regarding any of these matters upon completion of his or her probationary period. Probationary and temporary employees (see Section 2.3.3 for definition) have no redress to this procedure except for matters of discrimination/harassment.

10.3.1 Definitions

Day. A regularly scheduled workday, excluding holidays and other days when the University is closed for business, unless otherwise specified.

Grievance. Unless excluded in Section 10.3.2, a grievance is a complaint by an employee against the University concerning the interpretation, application, or claimed violation of a specific term or provision of University policy; or other matters that affect the employment relationship of the employee to the University.

Grievance Officer. The individual(s) responsible for assisting all employees during the grievance process and for overseeing all procedural matters and paperwork pertaining thereto. The grievance officer will be the Director of Human Resources or an HR employee designated by the Director to serve in that role.
capacity. In the event the grievant is an HR employee, the Vice Chancellor for Finance & Administration will name an alternate grievance officer.

**Grievance Record.** A file shall be maintained by the grievance officer that shall include documentation pertaining to all stages of a grievance. The Director of Human Resources will be the custodian of the grievance record. The grievance record shall be treated as confidential, subject to applicable law. In particular, whether a grievance record is subject to disclosure under the Arkansas Freedom of Information Act shall be determined on a case-by-case basis consistent with governing law. The record will be retained based on state guidelines.

**10.3.2 Matters Excluded from the Grievance Procedure.** Matters excluded from the Grievance Procedure are complaints related to: wages and salaries; falsification of application materials; retrenchment of employees; matters involving reappointment, performance evaluation, and promotion that do not concern a claimed failure by the University to follow established policy; job classifications; job assignments; verbal warnings (since no punitive action is taken); staff termination with thirty days notice or within probationary period; contractual terminations following policy (see Section 2.5.2); and University policies.

Matters involving illegal harassment/discrimination including sexual harassment, race, creed, color, national origin, age, gender, religion, veteran status, gender identity, or disability should be addressed to the Director of Human Resources and are initially excluded from the Grievance Procedure. If either party is not satisfied with the resolution process regarding harassment/discrimination claims, they may follow up on the matter through the University’s formal grievance procedure. (See Section 3.7 for information specific to harassment and/or discrimination.)

**10.3.3 Timelines.** All disputes, excluding discharge, must begin at the first step, within 15 working days of the incident/event that gave rise to the grievance, or of the date the employee became aware of the incident/event that gave rise to the grievance. Disputes concerning an employee’s dismissal from employment will begin at the first step within 10 working days of dismissal from employment and will then advance to the step applicable, eliminating the dismissing supervisor from the grievance process. This does not apply to tenured faculty. (Refer to Section 10.5 for more information.)

If a representative of the University fails to observe the time limits required, the grievance may be advanced to the next step in the process at the request of the employee. If the employee fails to observe the time limits required, the grievance shall be closed. However, the time limits may be extended at any time by the Director of Human Resources with the approval of the appropriate vice chancellor, under unusual circumstances when such extension is deemed to be in the best interest of the employee and/or the University. Unusual circumstances include, but are not limited to, absence from work due to work-related travel or other approved leave, e.g., sick leave, bereavement leave, military leave, legal leave, and/or annual leave arranged in advance of receipt of the grievance. In this case, the Director of Human Resources will notify all parties of the need for an extension and the number of days requested/approved.

**10.3.4 Informal Complaint Resolution.** Prior to initiating the formal grievance procedure, the employee must attempt to resolve the grievance informally through his or her chain-of-command when possible. (See Section 10.1, Informal Complaint Resolution.)
Resolution.) When appropriate, the Director of Human Resources will work with the parties involved to attempt to resolve the grievance informally. If the process fails to bring about a satisfactory resolution, the employee (referred to in the formal grievance procedure as “grievant”) may initiate the formal grievance procedure.

10.3.5 Steps of Formal Grievance Procedure

Step 1: Human Resources
1. The grievant must contact Human Resources and speak to the grievance officer to initiate the formal grievance procedure. The grievant has 15 working days from the date of the incident/event that gave rise to the grievance, or of the date the employee became aware of the incident/event that gave rise to the grievance.

2. The grievance officer, in consultation with the Director of Human Resources, will determine if there is a grievance as defined by this policy. The employee will be informed if the matter is not grievable. If the matter is grievable, the grievance officer will advise the employee of the steps to follow in the formal grievance procedure and provide him or her with the required Grievance Form. The complaint must be submitted in writing and include the following information:
   1) State the specific issue in dispute;
   2) Provide facts in support of the employee’s position; and,
   3) State the remedy/resolution requested.

3. Within 10 working days of the receipt of the completed and signed Grievance Form, the grievance officer shall transmit a copy of the grievance to the grievant’s immediate supervisor.

Step 2: Immediate Supervisor
1. Within 10 working days of receipt of the grievance statement, the supervisor shall either set a date for a formal meeting to discuss the matter or respond to the grievant in writing. (A written response is required with or without a meeting.)

2. If Step 2 results in satisfactory redress of the employee’s grievance, the matter ends here. The supervisor will submit a written statement to the grievance officer containing the item(s) agreed upon and the supervisor’s proposal for resolution of the grievance. The grievance officer will follow up with the grievant and close the file.

3. If Step 2 does not result in satisfactory redress of the employee’s grievance, the grievant may appeal the dispute in writing to the third step within five working days of receipt of the second step response. The appeal must include the following information:
   1) State the specific issue in dispute;
   2) Provide facts in support of the employee’s position;
   3) State the reasons the second step response is unsatisfactory;
   4) State the remedy requested; and,
   5) Include a copy of all correspondence, including the supervisor’s response.

4. The supervisor and the grievant must provide the grievance officer with copies of all correspondence.
NOTE: If the chain-of-command includes an additional supervisor at this level, all supervisors should be involved and work in conjunction preparing the response to the grievant, with the senior supervisor taking the lead role. The Director of Human Resources is available to assist in this process.

**Step 3: Next Supervisory Level (if not applicable, proceed to step 4)**

1. The director/dean/next level supervisor will consider the facts and circumstances of the dispute, and will, in writing, grant, deny, or propose a modification to the requested remedy within 10 working days following receipt of the employee’s written appeal. This response will include notice of the employee’s right to appeal the dispute to the next step.

2. If Step 3 results in satisfactory redress of the employee’s grievance, the matter ends here. The supervisor will submit a written statement to the grievance officer containing the item(s) agreed upon and the supervisor’s proposal for resolution of the grievance. The grievance officer will follow up with the grievant and close the file.

3. If Step 3 does not result in satisfactory redress of the employee’s grievance, the employee may appeal the dispute in writing to the next step within five (5) working days of receipt of the third step response. The appeal must include the following information:
   1) State the specific issue in dispute;
   2) Provide facts in support of the employee’s position;
   3) State the reasons the third step response is unsatisfactory;
   4) State the remedy requested; and,
   5) Must include a copy of all applicable correspondence (first, second, and third steps).

4. The supervisor and the grievant must provide the grievance officer with copies of all correspondence.

**Step 4: Vice Chancellor (when a vice chancellor is the immediate supervisor, skip Step 2 and 3)**

1. The vice chancellor will consider the facts and circumstances of the dispute and will, in writing, grant, deny, or propose a modification to the requested remedy within fifteen working days, following receipt of the employee’s written appeal. This response will include notice of the employee’s right to appeal the dispute to the next step.

2. If Step 4 results in satisfactory redress of the employee’s grievance, the matter ends here. The supervisor will submit a written statement to the grievance officer containing the item(s) agreed upon and the supervisor’s proposal for resolution of the grievance. The grievance officer will follow up with the grievant and close the file.

3. If Step 4 does not result in a satisfactory redress of the employee’s grievance, the employee may appeal the dispute in writing to the fifth and final step within five (5) working days of receipt of the fourth step response. The appeal must include the following information:
1) State the specific issue in dispute;
2) Provide facts in support of the employee’s position;
3) State the reasons the fourth step response is unsatisfactory;
4) State the remedy requested; and,
5) Must include a copy of all applicable correspondence (first, second, third, and fourth steps).

4. The supervisor and the grievant must provide the grievance officer with copies of all correspondence.

**Step 5: Chancellor - Final Step**
The Chancellor will prepare a written statement addressed to the grievant containing the Chancellor’s decision for resolution of the grievance and the reasons for the decision. The Chancellor may request that the vice chancellor clarify his or her recommendation or review additional aspects of the matter. The Chancellor will respond to the employee in a timely manner. The decision of the Chancellor will be considered final, and no further administrative review shall be available to the grievant.

A copy of the Chancellor’s decision will be submitted to the Director of Human Resources, who will inform the grievant’s immediate supervisor, director/dean/next-level supervisor, and vice chancellor as applicable of the action required to carry out the decision of the Chancellor.


**10.4 Dismissal of Tenured Faculty for Cause**
Dismissal of a tenured faculty member may occur for cause. Dismissals for cause include but are not limited to unprofessional conduct; incompetency; insubordination; immorality; or neglect of professional duties, obligations, and responsibilities.

Dismissal of a tenured faculty member before the end of the specified term will be preceded by: (1) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement; (2) informal inquiry by the Faculty Senate may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the Chancellor; (3) a statement of the basis for dismissal, framed with reasonable particularity, by the Chancellor or the Chancellor’s delegate.

If resolution cannot be achieved by informal means, dismissal proceedings will begin. The individual concerned will have the right to be heard by an ad hoc Faculty Hearing Committee. This committee will be composed of three (3) faculty members elected by the faculty and two (2) administrators appointed by the Chancellor and will be formed upon written request from the Faculty Senate and/or the Chancellor. The chairman of this committee will be chosen by the members. Members will remove themselves from the case, either at the request of a party or on their own initiative, if they deem themselves disqualified for bias or interest. Each party will have a maximum of two (2) challenges without stated cause. Vacancies on the Hearing Committee resulting from disqualification challenge without stated cause, illness, resignation, or any other reason will be filled by alternates using the same selection process as was used for the original members. The three to two (3 to 2) faculty/administrator balance will be retained as alternates are selected.

- Service of notice of hearing with specific charges in writing will be at least twenty (20) days prior to the hearing. The faculty member may waive a hearing or may respond to
the charges in writing not less than five (5) days before the hearing. If the faculty member waives a hearing, but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal will evaluate all available evidence and rest its recommendation upon the evidence in the record. Failure to answer the charge(s) in writing five (5) days prior to the hearing is deemed to be an admission to the charge.

- The committee, in consultation with the Chancellor and the faculty member, will exercise its judgment as to whether the hearing should be public or private.
- A verbatim record of the hearing or hearings will be taken, and a copy will be made available to the faculty member upon request.
- The burden of proof that adequate cause exists rests with the institution and will be satisfied only by a preponderance of the evidence in the record considered as a whole.
- The hearing tribunal may grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence at his or her expense, and the administration will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
- The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear, but the committee determines that the interests of justice require admission of his or her statement, the committee will determine an appropriate procedure.
- In the hearing of charges of incompetency, the testimony will include, but need not be limited to, that of qualified faculty and administration from the institution.
- The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- The findings of fact and the decision will be based solely on the hearing record.
- Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided as far as possible until the proceedings have been completed. The Chancellor and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.
- If the Hearing Committee concludes that adequate cause for dismissal has not been established by a preponderance of the evidence in the record, it will so report to the Chancellor. If the Chancellor rejects the report, he or she will state the reasons for doing so, in writing, to the Hearing Committee and to the faculty member, and provide an opportunity for response time before taking final action. If the committee finds that adequate cause for dismissal has been established, it will so recommend to the Chancellor who will take final action. If the Hearing Committee concludes that adequate cause for dismissal has been established, but that an academic penalty of less than dismissal would be appropriate, it will so recommend to the Chancellor, with supporting reasons.

**Action by the Chancellor.** If the Chancellor rejects the report, he or she will state the reasons for doing so, in writing, to the Hearing Committee and to the faculty member, and provide an opportunity for response time before taking final action. The decision of the Chancellor is binding upon all.
Suspending. Until the final decision about termination of an appointment has been reached, the faculty member will be suspended or assigned to other duties in lieu of suspension at the discretion of the Chancellor. Salary will continue during the period of suspension.

Terminal Salary Notice. If appointment is terminated, the faculty member will receive his/her salary for five and one-half months following notice. This provision for terminal notice or salary need not apply when it has been found that the conduct which justified dismissal involved moral turpitude.

Timeframe for Conducting Dismissal Proceeding. Dismissal proceedings will be conducted so as to complete the process by the end of the next regular spring or fall semester.

10.4 Adopted 1970; Revised 05/1988
11 TERMINATION OF EMPLOYMENT
(Board Policy 406.6)

11.1 Employee Resignation
When planning to leave the University, employees should notify their supervisor(s) and Human Resources in advance, to allow the University to plan an orderly transition of duties. When an employee terminates employment voluntarily and with proper notice, the employee may be considered eligible for reemployment. Employees who fail to give proper notice will be considered ineligible for rehire at the University and their permanent records will be noted as such. Additionally, according to UA System Board Policy 405.6, Termination of Employment at the University of Arkansas, an employee who has been dismissed for cause or who has been designated by their campus, unit, or division as not eligible for rehire shall not be eligible for reemployment within any of the University of Arkansas System’s campuses, units, or divisions.

11.1.1 Non-Contractual Employees. Non-contractual employees should give as much notice as possible, and, except under extenuating circumstances, no less than two weeks written notice for classified staff, 30 days written notice for non-classified staff, and 30 days written notice for noncontractual faculty.

11.1.2 Contractual Employees (Ranked Faculty). Contractual employees (ranked faculty) who do not plan to renew their contracts should give the same notice offered by the University (as outlined in Employment by Contract Section 2.5.2); they should notify the University in writing 90 days prior to the end of the contract period for the current academic year.

11.1.3 Exit Interview. The Director of Human Resources (or designee) will conduct an exit interview with outgoing employees. The purpose of the interview is to review eligibility for benefit continuation and conversion; to insure that all necessary forms are complete; to collect University property; and to provide employees with an opportunity to discuss their job related experiences. This will be scheduled by Human Resources.

An employee’s termination date is the last day of work at the University. Employees will be paid for any unused annual and holiday leave earned up to the termination date. Annual leave cannot be used to extend the employment date or to meet notice requirements, as outlined above. Health and dental coverage will cease on the last day of the month of termination. Most other benefits cease on the date of termination. If an employee has a 9- to 10½ -month contract for an upcoming academic year, and leaves the University during the summer (or prior to the commencement of the new contract), benefits cease on the last day of the previous contract or on the last day paid to work, when an employee continues to work beyond the contract period.

11.2 Retirement
(Board Policy 425.4)
There is no mandatory retirement age for any University employee. When planning for retirement under a University-sponsored retirement plan and/or Social Security retirement, employees should contact their retirement plan and Human Resources a minimum of 90 days prior to the proposed retirement date, to begin the paperwork.

11.1 Updated 6/1/2010; 2/1015; 3/2019
If an employee has definite plans to retire during an upcoming calendar year, it may be beneficial to the employee to inform Human Resources of his/her decision during open enrollment in November, as decisions made at that time can impact annual benefit elections.

11.2.1 Social Security. It is advisable to check with the Social Security Administration periodically through one’s career to verify that benefits are being credited accurately and consistently. For more information contact the local Social Security Administration office or visit their website at http://www.ssa.gov/.

11.2.2 Illustration of Retirement Benefits. Most retirement plans will provide an illustration of projected retirement benefits upon request. Fidelity and TIAA offer this service at any time in an employee’s career. Employees can access this information online at https://my.uafs.edu (My.UAFS). APERS and ATRS require employees to request the information in writing. Refer to Section 7.5, Retirement, for contact information. The University offers many opportunities for retirement counseling throughout an employee’s career by bringing in professionals from all three plans for individual and group sessions.

11.2.3 Early Retirement. Employees whose combined age and full-time service with the University is at least seventy (70) and who have at least 10 years of full-time continuous employment with the University may be eligible for voluntary early retirement. To maintain health benefits beyond retirement, an employee must have been covered under the health plan for the 10-year period immediately preceding retirement. (See Section 7.6, Early Retirement Program.)

Contact Human Resources for assistance with the retirement process.

11.3 Termination of Employment by the University
Arkansas is an employment-at-will state. All employment relations with UAFS, except those by written contract signed by the chancellor and the employee, are on an at-will basis. (Contractual employees are at-will beyond the terms of the current contract.) Thus, although the University hopes that its relationships with employees are long-term and mutually rewarding, the University reserves the right to terminate the employment relationship at any time, with or without cause or notice.

When a full- or regular part-time staff position is eliminated or an employee is terminated, though not required, employees are typically given a 30-day written notice. Other hourly employees are hired to work at the pleasure of the University and may be terminated at any time, with or without notice. The University does not give advance notice if employment is terminated for cause, such as dishonesty, insubordination, other incidents of misconduct, or unlawful behavior.

In the event of termination for cause, regardless of at-will or contractual status, the salary to be paid will be prorated according to the actual number of days worked.

11.4 Retrenchment
Retrenchment occurs when a reduction in programs or services is necessary because of a financial exigency, or because of formal academic planning such as changes in the institutional mission, substantial program changes, reallocations of resources for academic or support
services, or for administrative reasons. If retrenchment makes it necessary to eliminate jobs or reduce the workforce, classified employees will, under normal circumstances, be given a 30-day notice and non-classified employees will, under normal circumstances, be given at least a 60-day notice. The University will make every effort to help employees affected by retrenchment identify other employment opportunities on campus.

11.4 Updated 12/2001

11.5 Termination Checklist
Employees are responsible for returning all University property to include: employee ID card, keys, uniforms, procurement cards (P-Cards), and/or other university-sponsored credit cards, pagers, telephones or other equipment, employee ID badges, parking permits, department books/materials, telephone cards, etc. If an employee has an outstanding debt with the University, all accounts must be settled with Finance. Faculty must have final grades turned in. This must be done before the final paycheck will be issued. Refer to Termination Checklist online at https://my.uafs.edu (My.UAFS).

11.5 Updated 6/1/2010; 3/2019

11.6 Termination Pay
(ACA §21-4-501; Arkansas State Personnel Policy)
When an employee leaves the University, final paychecks are not direct deposited. It is the employee’s responsibility to provide Human Resources with a forwarding mailing address for the final paycheck and W-2 form.

Final pay will include a lump sum payment of any deferred pay amounts and may include lump sum pay for any accrued, unused annual leave, up to 30 days or 240 hours. (This does not apply when an employee transfers to another State agency or institution, in which case, leave balances will be transferred to the new employer.) Annual leave balances will be paid in a lump sum and may not be used to extend employment to fulfill the required notice period in order to be considered eligible for rehire. For non-exempt employees, final pay will include any compensatory time accrued as a result of approved overtime work and any accrued holiday time. Upon the death of an active employee, the amount of unused annual and holiday leave due the employee will be paid to the employee’s estate or authorized beneficiary, up to 60 days or 480 hours of annual and holiday leave.

Classified employees may also receive compensation for unused sick leave upon retirement. (See Section 6.4.5, Payment for Sick Leave upon Retirement.) If an employee returns to state employment they are not required to wait or to repay compensation for unused sick leave received at retirement.

11.6 Updated 6/1/2010

11.7 Continuation of Benefits
(Consolidated Omnibus Budget Reconciliation Act of 1985)
If employment at the University ends for any reason other than as a result of gross misconduct, and an employee was covered under the University’s medical plan at the time, the employee will automatically be offered continued health coverage under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). With COBRA, an employee may continue coverage at his/her own expense for up to 18 months or until covered by another plan, whichever comes first. An employee must formally elect continued coverage within 60 days from receipt of the notice on the COBRA election form or the date coverage ends, whichever is later.
If a covered dependent loses medical coverage due to death or divorce or a child loses coverage due to marriage or attainment of the age of 19 years (or 25 years for a full-time student), the dependent may elect COBRA and continue coverage for up to 36 months. It is the responsibility of the covered employee to notify Human Resources if a dependent ceases to be eligible for coverage.

Contact Human Resources for more information and enrollment requirements.

11.7 Updated 6/1/2010

11.8 Reemployment
(UASP 405.6)
An employee who leaves the University in good standing may be considered eligible for reemployment, and is, in many cases, a better applicant because of his or her familiarity with the University. Reemployment is never guaranteed. Former employees seeking employment are required to follow the same application procedures as other applicants and must meet the same job requirements. Former employees who resigned without appropriate notice (refer to 11.1 Employee Resignation) or who were discharged will be deemed ineligible for rehire and will not be considered for reemployment.

An employee who has been dismissed for cause or who has been designated by their campus, unit, or division as not eligible for rehire, shall not be eligible for reemployment within any of the University of Arkansas System’s campuses, units, or divisions.

11.8 Updated 6/1/2010; 7/2018