

**New Faculty Orientation:  
Evaluations, Title IX, Child Maltreatment,  
FOIA, and State Property**

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**EVALUATIONS**

## **III.f. Continuing Performance Evaluation**

Faculty, department chairs, and deans are subject to continuing performance evaluations. If at any time, the employee's immediate supervisor determines that the employee is not meeting performance expectations, the employee may be counseled regarding the unacceptable performance. Documentation of the conference will be placed in the employment file.

## **III.g. Annual Performance Evaluation**

### ***Faculty:***

- Department chairs and/or appropriate supervisors (such as unit heads, deans, or directors) will conduct an annual performance evaluation of all faculty members in their respective areas, which will include appropriate evaluation of teaching, research, and service. These evaluations will be used to determine recommendations for merit pay when authorized by the University.

Departments may vary the weight and/or expectations in the areas of teaching, research/scholarship, creative activities and service so long as the mission of the area concerned is met. Criteria, procedures or instruments will be determined by each department/area.

- Chairs will provide each member of the faculty with a written summary of the performance evaluation.
- Each faculty member will initial a copy of the chair's evaluation to indicate the faculty member has received it.

- If the faculty member does not agree with the performance evaluation, the faculty member may provide a written rebuttal, which will be initialed by the chair and attached to the performance evaluation sheet to indicate the chair has received it.
- A copy of the initialed performance evaluation sheet (and rebuttal) will be placed in the faculty member's employment file at both the department and college level.

Evaluations are  
not grievable



# TITLE IX

System Sexual  
Discrimination Grievance  
Procedure is housed in  
the System Staff  
Handbook

Arkansas State University is committed to providing an educational and work environment for its students, faculty, and staff that is free from sexual discrimination including sexual harassment, sexual assault, sexual violence, stalking, domestic violence and dating violence. No form of sexual discrimination will be tolerated.

Sexual Harassment is defined as  
unwelcome gender-based verbal or  
physical conduct that is severe,  
persistent or pervasive and occurs  
when:

Submission to, or toleration of, such conduct is made a term or condition of instruction, employment, or participation in other university activities;

Submission to, or rejection of, such conduct is used as a basis for employment or education decisions affecting the individual; or

Such conduct has the effect of unreasonably interfering with an individual's education or employment performance or creating an intimidating, hostile, or offensive university environment.

Hostile Environment sexual harassment occurs when severe, persistent, or pervasive unwelcome sexual conduct, including physical and/or verbal conduct such as touching, hugging, making suggestive gestures, or making sexually based comments, interferes with a employee's or student's performance or creates an offensive work or educational environment.



A Hostile Environment can exist where sexually suggestive graffiti, posters, calendars, or other materials are on display in the work place. Hostile Environment can exist when comments are directed at a person because of that person's sex even though the comments are not of a sexual nature themselves. Hostile Environment can exist when a professor injects sexual subjects not germane to the course.

You are not legally entitled to a nice boss or professor. Your environment is not hostile just because it may be unpleasant.

Sexual harassment  
may occur when the  
plaintiff and  
defendant are of the  
same sex.

Sexual assault occurs when a person is subjected to an unwanted sexual act by force or threat without consent. Sexual acts occur without consent when they are perpetrated against a person's will or where a person is incapable of giving consent due to minority, intellectual impairment, or use of mind altering substances such as drugs or alcohol.

Sexual violence includes sexual assault but may also consist of an attempt to obtain a sexual act or sexual advances using coercion which do not result in a completed sexual act.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

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

Dating Violence is defined as violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.



Each campus has a Title IX Coordinator who is charged with investigating allegations of sexual discrimination including sexual harassment, sexual assault, sexual violence, stalking, domestic violence, and dating violence.

Any employee, student, or visitor who believes he or she has been subjected to sexual discrimination should report the incident to the Title IX Coordinator utilizing the grievance form available on the Human Resources or Student Conduct web sites.

Confidential Reports  
may be made to the  
Student Health Center

Employees with supervisory responsibilities and university police personnel must report incidents of sexual discrimination either observed by them or reported to them to the Title IX Coordinator.

**YOU ARE  
MANDATORY  
REPORTERS**

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by law and Arkansas State University. Any employee who needs further explanation or who believes he or she has been retaliated against should contact his or her Human Resources Department.

**CHILD**

**MALTREATMENT**

“School Official” means any person authorized by a school to exercise administrative or supervisory authority over employees, students, or agents of the school. A volunteer exercising administrative or supervisory authority in a program conducted by a school is also considered a school official.



All employees, and all volunteers participating in ASU conducted programs on ASU owned or occupied property, will immediately report known or suspected child maltreatment to the State of Arkansas Child Abuse Hotline and the police department having jurisdiction over that campus.

**YOU ARE  
MANDATORY  
REPORTERS**

UPD -- 2093

Arkansas Child  
Abuse Hotline --  
1-800-482-5964

“Child maltreatment”  
means abuse, sexual  
abuse, neglect, sexual  
exploitation, or  
abandonment.

You never take off your  
“Mandated Reporter” hat.  
You must report known or  
suspected cases of child  
maltreatment whenever and  
wherever you find it.

As a mandated reporter, if you:

a. *Knowingly* fail to report you can be found guilty of Failure to Notify by a Mandated Reporter in the First Degree.

i. Failure to Notify in the First Degree is a Class A misdemeanor, which could result in a fine of no more than \$2,500.00, up to 1 year in the county jail or both.

As a mandated reporter, if you:

b. *Recklessly* fail to report you can be found guilty of Failure to Notify by a Mandated Reporter in the Second Degree.

i. Failure to Notify in the Second Degree is a Class C misdemeanor, which is punishable by a fine of no more than \$500.00, up to 30 days in the county jail, or both.

A person required by this chapter to make a report of child maltreatment or suspected child maltreatment to the Child Abuse Hotline who purposely fails to do so is civilly liable for damages proximately caused by that failure.



# **FREEDOM OF INFORMATION ACT**

Public Records are subject to production and may appear on the front page of the newspaper.

# **Public Records:**

writing, recorded sounds, films, tapes, electronic or computer based information, or data compilations which constitute a record of performance or lack of performance of official functions carried out by a public employee which are kept or maintained in the scope of employment.

All records maintained in public offices or by public employees are presumed to be public records.

# **Arkansas State University System Appropriate Use of Information & Technology Resources Policy**

Information and Technology Resources may be used only for their authorized purposes – that is, to support the research, education, administrative, and other functions of Arkansas State University.

Be aware of both  
System Policies and  
Campus Specific  
Operating Procedures

# Exceptions under FOIA:

Personally identifiable information in Personnel Files

Student Records under the Family Educational Rights and Privacy Act

Employee Evaluation or Performance Records unless the records form the basis for suspension or dismissal

All FOIA requests are  
transmitted to the Vice  
President for Strategic  
Communications and Economic  
Development for response

Jeff Hankins – (501) 660-1004



# State Property

The property and equipment of the university comprises a substantial portion of the university's total assets.

Therefore, it is necessary to properly record and account for the acquisition, transfer, addition or deletion of all inventory items.

If equipment, including obsolete and worn-out items, is no longer in inventory, one of the following reasons must be established:

lost/damaged/destroyed;

stolen;

traded-in;

sold through marketing and redistribution;

or government-owned.

If you do not  
properly dispose of  
University property,  
you are responsible  
for its value

QUESTIONS?