

4.6.

BY -LAWS OF  
SOUTHEAST ARKANSAS COLLEGE

**I. Name and Authority**

The Arkansas State Board of Higher Education ("State Board"), under the authority of Act 1244 of 1991 designated Pines Technical College (hereafter known as Southeast Arkansas College), as a technical college, which became part of the coordination of the State Board of Higher Education.

The institution shall be known and distinguished by the name of "Southeast Arkansas College." The Board of Trustees of Southeast Arkansas College ("Board") shall be responsible for the administration and operation of the College pursuant to the powers and duties enumerated by Act 1244 of 1991 and rules and regulations adopted by the State Board of Higher Education and shall be further responsible for the provision of services to meet the two-year postsecondary educational needs of those citizens located within the service area of the College.

The Southeast Arkansas College will not discriminate on the basis of race, color, creed, religion, sex, national origin, age, or handicapped status in the providing of educational services or in the admission to, employment by, or promotion within the College. The Board shall comply with Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Drug-Free Schools Act; the Drug-Free Workplace Act; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act; the Americans with Disabilities Act; the Family Educational Rights and Privacy Act; the Student Right to Know Act; the Campus Security Act; and all other applicable state and federal laws, rules, and regulations. The Board shall submit an annual report to the State Board, which certifies that the Board and the College are in compliance with all applicable state laws, rules, and regulations.

## II. The Board of Trustees

### Membership

Membership. The Board of Trustees shall consist of seven (7) members who shall be appointed by the Governor and subject to the confirmation of the Senate. A.C.A. 6-53-302 (a)

Term of Office. The term of office of board members shall be seven (7) years. The initial board appointees shall determine their terms by lot so that no more than one (1) term shall expire during any year. A.C.A. 6-53-302 (b).

Qualifications. Members of the Board shall be qualified electors of the service area of the College and knowledgeable in business, labor, industry, or economic development. No candidate for public office, holder of public office in the state, certified or non-certified employee of a public school district, classified or non-classified employee of any community college, vocational-technical school, or institution of higher learning, or any member of a board of trustees of a school district, community college, or institution of higher learning or his or her spouse, shall serve as a member of the Board. A.C.A. 6-53-302 (c) and (d).

Vacancies. When a vacancy occurs in the membership of the Board, the President of the College shall so notify the Governor who shall appoint a successor to the person who vacated membership to serve the unexpired term of the person succeeded. A.C.A. 6-53-302 (e)

### Officers

At its first regular meeting after July 1 each year, the Board shall elect from its membership for a two-year term, and until their respective successors have been elected, a Chair, Vice Chair, and a Secretary. The Board may designate a member of the President's staff to serve as an assistant to the Secretary for the purpose of taking and transcribing the minutes of board meetings.

## III. Meetings and By-laws

### Meetings

Regular Meetings. Regular meetings of the Board shall be held quarterly. Each regular meeting shall be held at such time and place as the Chair may designate, with notice concerning the time and place to be mailed to each member of the Board by the President at least 20 days in advance of the meeting date.

Special Meetings. Special meetings of the Board may be called by the

Chair at his or her discretion or upon the call of not fewer than four (4) members of the Board, with notice concerning the time and place to be provided to each member of the Board at least five (5) days in advance of the meeting date. Notice for emergency meetings shall be handled as required by the Arkansas Freedom of Information Act.

Meetings by Teleconference. Meetings may be by teleconference, provided every party to the meeting and the public can hear what every other party says.

Open Meetings. Public notice as required by the Arkansas Freedom of Information Act shall be given of all meetings, including meetings by teleconference. A.C.A.25-19-106.

By-Laws. The By-laws shall be subject to amendment at any meeting of the Board provided any such proposed change is a matter of the agenda in accordance with the procedures outlined herein. The State Board must approve all by-law amendments related to the State Board's authority as a coordinating board. In addition, policies and procedures approved by the State Board under its authority for the administration and operation of the college shall, where appropriate, become part of the by-laws governing the powers and duties of the Board.

### **Agenda**

The agenda for a regular or special meeting of the Board shall be prepared by the President in consultation with the Chair. Members of the Board may submit items to be included on the agenda by notifying the President. All requests for inclusion of a given item on the agenda of a particular meeting should be made no later than seven days prior to the date of the meeting concerned.

A copy of the agenda for each regular meeting of the Board and, insofar as is practicable, copies of all reports and other materials to be presented at the regular meeting as a part of the agenda, shall be mailed to each member of the Board at least five (5) days in advance of the meeting. If practicable, a copy of the agenda for special meetings, with reports and other materials to be presented, shall be mailed to each member of the Board at least five (5) days in advance of the special meeting. Notice of each meeting and a copy of each agenda shall also be mailed to the Director of the Department of Higher Education.

Any item not on the mailed agenda of a regular or special meeting shall not be considered without the approval of four (4) members of the Board.

### **Conduct of Business**

**Quorum.** A quorum for the conduct of business of the Board shall consist of four (4) members of the Board.

**Presiding Officer.** The Chair shall preside at all regular and special meetings of the Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of the Vice Chair, a presiding officer shall be elected by and from the membership of the Board.

**Power to Vote.** All members of the Board may vote on all matters coming before the Board for consideration, but no member may vote by proxy. It shall require a majority of the members present to take official action on a matter.

**Rules of Order.** Except as modified by these By-laws, Roberts Rules of Order (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees.

### **Minutes**

The Secretary shall keep minutes of all meetings of the Board, shall file, index and preserve all minutes, papers and documents pertaining to the business and proceedings of the Board, shall be custodian of the College seal and of all records of the Board, and shall attest the execution by the Chair of all legal documents and instruments of The Southeast Arkansas College. Within twenty (20) days after each meeting of the Board, the Secretary shall prepare the minutes of the meeting and mail a copy to each member of the Board. A copy shall also be mailed to the Director of the Department of Higher Education.

### **Open Meetings**

All meetings of the Board shall be open to the public unless, consistent with the requirements of the Arkansas Freedom of Information Act, a meeting is closed to the public for the consideration of personnel matters. Should any decision be made during an executive session, the Board must reconvene in public session for official action. A.C.A.25-19-106.

### **Committees**

**Standing Committees.** The Board shall establish an Academic Affairs Committee and a Finance committee, each to consist of three members chosen by the full board to a two-year term, commencing with the first regular board meeting held after July 1. Each committee shall select a Chair from the membership of the committee to serve a two-year term. The Academic Committee shall consider matters concerning academic personnel, academic programs, and faculty and student appeals. Any

proposal considered by the Academic Committee with respect to the institution's academic program shall have first been reviewed by a faculty committee. The Finance Committee shall consider matters concerning the budget, audit report review, construction, bond issues, non-academic personnel and staff appeals, contracts, and real and personal property.

**Special Committees.** Special committees may be appointed by the Chair of the Board. Special committees shall cease to exist when their functions have been discharged; however, every special committee shall cease to exist one year after the date of its creation, unless continued by affirmative action of the Board.

The agenda for any meeting shall be mailed to each member of the committee at least five (5) days in advance of the committee meeting. Public notice as required by the Arkansas Freedom of Information Act shall be given of all meetings.

#### **IV. Powers and Duties**

The powers and duties of the Board shall be as follows

To acquire, hold and transfer real and personal property, to enter into contracts, to institute and defend legal actions and suits, and to exercise such other rights and privileges as may be necessary for the management and administration of the College. A.C.A. 6-53-302 (f)(1)

To appoint, from the candidates certified by the State Board and based on a search process approved by the State Board, the President of the College. A.C.A. 6-53-302 (f)(2)

To appoint, upon nomination of the President, members administrative and teaching staffs. A.C.A. 6-53-302 (t)(3)

To determine, with the approval of the State Board, the educational program of the College. A.C.A. 6-53-302 (f)(4)

To make rules and regulations consistent with Act 1244 of 1991 and consistent with the rules and regulations of the State Board as are necessary for the proper administration and operation of the College. A.C.A. 6-53-302 (h)

May contract with the Vocational Division of the State Department of Education, a non-profit organization, or a local school board within its service area to offer secondary level general academic and vocational-technical courses and programs, adult literacy courses, or both, and upon approval of the State Board, industry training. A. C. A 6-53-306

May establish and operate a transportation system for students within the

service area of the College. A.C.A.6-53-305

Other powers and duties as provided by Act 1244 of 1991 and as delegated to it by the State Board. A.C.A. 6-53-302 (t)(5)

## **V. Officers of the College**

**President:** The President of the College shall serve at the pleasure of the Board. When a vacancy occurs in the office of President, the Board shall initiate a national search in accordance with presidential search guidelines established by the State Board. The Board shall submit a list of finalists to the State Board and shall select the new president from a list of candidates certified by the State Board as qualified to meet the minimum requirements for the position. A.C.A. 6-53-303

**Other Officers and Staff:** The Board, upon nomination of the President, shall appoint members of the administrative and teaching staffs of the College. When a vacancy occurs in the teaching and administrative staff, the position shall be filled in accordance with the State Board's faculty search, hiring, salary, and promotion policies, and in keeping with all applicable state or federal laws, rules, and regulations. No staff position may be abolished prior to April 17, 1996, without approval by the State Board. A.C.A. 6-53-302, 6-53-107

**Compensation of Faculty and Staff:** The Board may set compensation levels for the teaching and administrative staff, consistent with the provisions of state law, applicable state regulations and the policies of the State Board of Higher Education with respect to faculty and administrative salaries and staff professional development.

## **VI. Policies and Procedures**

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

It is the policy of the Southeast Arkansas College that no person shall be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity of the College on the ground of race, color, or national origin.

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

It is the policy of the Southeast Arkansas College that it shall not discriminate against any person with respect to employment, discharge, compensation, terms, conditions, or privileges of employment, because of such person's race, color, religion, sex, or national origin.

### **Sexual Harassment Policy**

Harassment on the basis of sex is illegal and a violation of Title VII of the Civil Rights Act of 1964, as amended. This policy defines sexual harassment and establishes a procedure whereby alleged sexually harassed faculty, staff, and students may lodge a complaint immediately and confidentially.

#### 1. Policy.

(a) The Southeast Arkansas College is committed to the maintenance of a working and academic environment free from all forms of sexual harassment. Sexual harassment is a violation of the College policy as well as state and federal law and is neither permitted nor condoned.

(b) It is also a violation of the Southeast Arkansas College's policy against sexual harassment for any employee or student at the College to attempt in any way to retaliate against a person who makes a claim of sexual harassment.

(c) Any individual found to have violated the College's policy against sexual harassment will be subject to appropriate disciplinary action including, but not limited to, reprimand, suspension, termination, or expulsion. Any disciplinary action taken will depend upon the severity of the offense.

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

(a) Submission to, or toleration of, such conduct on or off campus is made a term or condition of instruction, employment, or participation in other College activities;

- (b) Submission to, or refection of, such conduct by an individual is used as a basis for evaluation in making employment or academic decisions affecting the individual; or
  - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or employment performance or creating an intimidating, hostile, or offensive university environment.
3. Procedures. Students or employees who believe that they have been sexually harassed should first seek an informal resolution of this problem as outlined below. If that is not effective, such individuals then should pursue formal resolution of their complaint. All complaints must be made within thirty (30) days of the occurrence of the alleged harassment.
- (a) **Informal Resolution:** Employees who believe that they have been subject to sexual harassment should report the problem promptly to their immediate supervisor or to a departmental supervisor higher up in the chain of command. Students who believe that they have been subjected to sexual harassment should report the problem promptly to the associate director for instruction or to the associate director of students. The person to whom the complaint is made shall promptly begin an impartial consideration of the complaint and make a thorough investigation. If a mutually agreeable answer or settlement has not been obtained within fourteen (14) calendar days from the date of the complaint, the complainant may initiate the formal complaint procedure. During all informal attempts to resolve a problem, to the extent practicable, efforts will be made to keep the identity of the complainant confidential.
  - (b) **Formal Complaint Resolution:** If a problem cannot be resolved through informal attempts at conciliation and the complainant wishes to pursue the matter further, he or she must file a



formal written complaint with the Associate Director of Students.

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

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

#### **Title IX - Education Amendments of 1972**

It is the policy of the Southeast Arkansas College that no person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission.

In determining whether a person satisfies any policy or criterion for admission, the College shall not give preference to one person over another on the basis of sex.

The College shall not apply any rule concerning the parental, family, or marital status of a student which treats persons differently on the basis of sex; shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery there from, or establish or follow any rule or practice which so discriminates or excludes; shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery there from in the same manner and under the same policies as any other temporary disability or physical condition; and shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs."

The College shall not exclude any person, on the basis of sex, from participation in any academic, extracurricular,

research, occupational training, or other education program or activity.

### **Rehabilitation Act of 1973**

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

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

6. In providing financial assistance to qualified handicapped persons, the College may not, on the basis of handicap, provide less assistance than is provided to non-handicapped persons.
7. In providing personal, academic, or vocational counseling, guidance, or placement services to students, the College must provide these without discrimination on the basis of handicap.

### **Family Educational Rights and Privacy Act**

It is the policy of the Southeast Arkansas College to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and to inform students of their rights under FERPA. The following notice of student rights under FERPA shall be given on an annual basis to students.

A student at the Southeast Arkansas College has the following rights with regard to his or her education records:

1. To inspect and review all education records pertaining to him or her.
2. That the following information, which is considered to be directory information, will be subject to public disclosure unless the student informs the Registrar in writing before the end of the first week of classes each semester that he or she does not want any or all of these types of information designated as directory information: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.
3. To request the amendment of his or her education records to ensure that they are not inaccurate, misleading, or otherwise in violation of his or her privacy or other rights.
4. To consent to disclosure of personally identifiable information contained in his or her

education records, except to the extent that FERPA authorized disclosure without consent.

5. To file a complaint with the U.S. Department of Education concerning the alleged failure by the College to comply with the requirements of FERPA.
6. To obtain a copy of the College's FERPA policy upon payment of a copying fee.