

Title IX/Sex Discrimination

Any person may report sex discrimination, including sexual harassment, to the Title IX Coordinator in person or by using the mailing address, telephone number, or email address provided. A report may be made at any time, including during non-business hours, and may be on the individual's own behalf or on behalf of another individual who is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

Arkansas Correctional School District Title IX Coordinator:

Tracy Dowell

8000 Correction Circle

Pine Bluff, AR 71603

Tracy.dowell@doc.arkansas.gov

870-267-6725

Title IX Policies

3.26 Certified Personnel Sexual Harassment

3.20 Classified Personnel Sexual Harassment

SD 2022-17 Employee Conduct Standards and Discipline

3.26—LICENSED PERSONNEL SEXUAL HARASSMENT

The Arkansas Correctional School District is committed to providing an academic and work environment that treats all students and employees with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational and work environment and will not be tolerated.

The District believes the best policy to create an educational and work environment free from sexual harassment is prevention; therefore, the District shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- the nature of sexual harassment;
- The District’s written procedures governing the formal complaint grievance process;
- The process for submitting a formal complaint of sexual harassment;
- That the district does not tolerate sexual harassment;
- That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sexual harassment; and
- The potential discipline for perpetrating sexual harassment.

Definitions

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee:
 - a. Conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; or
 - b. Uses the rejection of unwelcome sexual conduct as the basis for academic decisions affecting that individual;
2. The conduct is:
 - a. Unwelcome; and

- b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
3. Constitutes:
- a. Sexual assault;
 - b. Dating violence
 - c. Domestic violence; or
 - d. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; and employees and non-employees.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person’s alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students or employees as to sexual activity or performance;
- Circulating or showing e-mails or websites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Employees who believe they have been subjected to sexual harassment are encouraged to submit a report to their immediate supervisor, an administrator, or the Title IX coordinator. Under no circumstances shall

an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the sexual harassment. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- Explain to the complainant the process for filing a formal complaint.

Supportive Measures

The District shall offer supportive measures to the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide individualized supportive measures to the complainant unless declined in writing by the complainant and shall make available individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time, and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

Formal Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - ⊕ The identities of the parties involved in the incident, if known;
 - ⊕ The conduct allegedly constituting sexual harassment; and
 - ⊕ The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
- That the District's personnel policies and code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; this includes evidence:
 - Whether obtained from a party or other source;
 - The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to completion of the investigative report, the District shall send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10) days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All

evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

- Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- Provide each party with the answers;
- Allow for additional, limited follow-up questions from each party; and
- Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

No earlier than ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. site visits;
 - d. Methods used to gather other evidence; and
 - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's personnel policies or code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then

the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's personnel policies or code of conduct.

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

Appeals

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- d. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall:

- 1. Notify the other party in writing when an appeal is filed;
- 2. Simultaneously Provide all parties a written copy of the District's procedures governing the appeal process;
- 3. Implement appeal procedures equally for both parties;
- 4. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- 5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 6. Issue a written decision describing the result of the appeal and the rationale for the result; and
- 7. Provide the written decision simultaneously to both parties.

Confidentiality

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- individuals who are responsible for handling the District’s investigation and determination of responsibility to the extent necessary to complete the District’s grievance process;
- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.

Except as listed above, the District shall keep confidential the identity of:

- ⊕ Any individual who has made a report or complaint of sex discrimination;
- ⊕ Any individual who has made a report or filed a formal complaint of sexual harassment;
- ⊕ Any complainant;
- ⊕ Any individual who has been reported to be the perpetrator of sex discrimination;
- ⊕ Any respondent; and
- ⊕ Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

Administrative Leave

The District may place a non-student employee respondent on administrative leave during the pendency of the District’s grievance process.

Retaliation Prohibited

Employees who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for personnel policy violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

Disciplinary Sanctions

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District’s grievance process, any employee who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Employees who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including termination. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

Records

The District shall maintain the following records for a minimum of seven (7) years:

- Each sexual harassment investigation including:
- Any determination regarding responsibility;
- any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
 - The basis for the District's conclusion that its response was not deliberately indifferent; and
 - Document:
 - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Date Adopted: June 10, 2025

Last Revised:

8.20—CLASSIFIED PERSONNEL SEXUAL HARASSMENT

The Arkansas Correctional School District is committed to providing an academic and work environment that treats all students and employees with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational and work environment and will not be tolerated.

The District believes the best policy to create an educational and work environment free from sexual harassment is prevention; therefore, the District shall provide informational materials and training to students, parents/legal guardians/other responsible adults, and employees on sexual harassment. The informational materials and training on sexual harassment shall be age appropriate and, when necessary, provided in a language other than English or in an accessible format. The informational materials and training shall include, but are not limited to:

- The nature of sexual harassment;
- The District’s written procedures governing the formal complaint grievance process;
- The process for submitting a formal complaint of sexual harassment;
- That the district does not tolerate sexual harassment;
- That students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences;
- The supports that are available to individuals suffering sexual harassment; and
- The potential discipline for perpetrating sexual harassment.

Definitions

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Education program or activity” includes locations, events, or circumstances where the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee:
 - a. Conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct; or
 - b. Uses the rejection of unwelcome sexual conduct as the basis for academic decisions affecting that individual;
2. The conduct is:
 - a. Unwelcome; and
 - b. Determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
3. Constitutes:
 - a. Sexual assault;
 - b. Dating violence
 - c. Domestic violence; or
 - d. Stalking.

“Supportive measures” means individualized services that are offered to the complainant or made available to the respondent designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party. The supportive measures must be non-disciplinary and non-punitive in nature; offered before or after the filing of a formal complaint or where no formal complaint has been filed; and offered to either party as appropriate, as reasonably available, and without fee or charge. Examples of supportive measures include, but are not limited to: measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment; counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or class locations; leaves of absence; and increased security and monitoring of certain areas of the campus.

Within the educational environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; and employees and non-employees.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances and may occur regardless of the sex(es) of the individuals involved. Depending upon such circumstances, examples of sexual harassment include, but are not limited to:

- Making sexual propositions or pressuring for sexual activities;
- Unwelcome touching;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, or written materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Telling sexual or crude jokes;
- Spreading rumors related to a person's alleged sexual activities;
- Discussions of sexual experiences;
- Rating other students or employees as to sexual activity or performance;
- Circulating or showing e-mails or Web sites of a sexual nature;
- Intimidation by words, actions, insults, or name calling; and
- Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual or transgender.

Employees who believe they have been subjected to sexual harassment are encouraged to submit a report to their immediate supervisor, an administrator, or the Title IX coordinator. Under no circumstances shall an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the sexual harassment. If the District staff member who received a report of alleged sexual harassment is not the Title IX Coordinator, then the District staff person shall inform the Title IX Coordinator of the alleged sexual harassment. As soon as reasonably possible after receiving a report of alleged sexual harassment from another District staff member or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- Discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

Supportive Measures

The District shall offer supportive measures to the complainant and make supportive measures available to the respondent that are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party before or after the filing of a formal complaint or where no formal complaint has been filed. The District shall provide individualized supportive measures to the complainant unless declined in writing by the complainant and shall provide individualized supportive measures that are non-disciplinary and non-punitive to the respondent. A complainant who initially declined the District's offer of supportive measures may request supportive measures at a later time and the District shall provide individualized supportive measures based on the circumstances when the subsequent request is received.

Formal Complaint

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email. Upon receipt of a formal complaint, a District shall simultaneously provide the following written notice to the parties who are known:

- Notice of the District's grievance process and a copy of the procedures governing the grievance process;
- Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - ✦ The identities of the parties involved in the incident, if known;
 - ✦ The conduct allegedly constituting sexual harassment; and
 - ✦ The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- That the parties may inspect and review evidence relevant to the complaint of sexual harassment; and
- That the District's personnel policies and code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.

The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

When investigating a formal complaint and throughout the grievance process, a District shall:

- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties;
- Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege or access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party unless the District obtains the parent, legal guardian, or other responsible adult of that party’s voluntary, written consent or that party’s voluntary, written consent if the party is over the age of eighteen (18) to do so for the grievance process;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; this includes evidence:
 - Whether obtained from a party or other source;
 - The District does not intend to rely upon in reaching a determination regarding responsibility; and
 - That is either Inculpatory or exculpatory; and
- Create an investigative report that fairly summarizes relevant evidence.

At least ten (10)³ days prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties shall have at least ten (10)³ days to submit a written response to the evidence. The investigator will consider the written responses prior to completion of the investigative report. All evidence subject to inspection and review shall be available for the parties' inspection and review at any meeting to give each party equal opportunity to refer to such evidence during the meeting.

After the investigative report is sent to the parties, the decision-maker shall:

- Provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- Provide each party with the answers;
- Allow for additional, limited follow-up questions from each party; and
- Provide an explanation to the party proposing the questions any decision to exclude a question as not relevant. Specifically, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

No earlier than ten (10) days following the completion of the investigation period, the decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility. The written determination shall include—

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including:
 - a. Any notifications to the parties;
 - b. Interviews with parties and witnesses;
 - c. site visits;
 - d. Methods used to gather other evidence; and
 - e. Hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's personnel policies or code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility;
 - b. Any disciplinary sanctions imposed on the respondent; and
 - c. Whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
6. The procedures and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination regarding responsibility shall become final on the earlier of:

- If an appeal is not filed, the day after the period for an appeal to be filed expires; or
- If an appeal is filed, the date the written determination of the result of the appeal is provided to the parties.

The District shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved; did not occur in the District's education program or activity; or did not occur against a person in the United States, then the District shall dismiss the complaint as not meeting the definition of sexual harassment under this policy. A dismissal for these reasons does not preclude action under another provision of the District's personnel policies or code of conduct.

The District may dismiss the formal complaint or any allegations therein, if at any time during the grievance process:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon the dismissal of a formal complaint for any reason, the District shall promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The District may hire an individual or individuals to conduct the investigation or to act as the determination-maker when necessary.

Appeals

Either party may appeal a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- a. The existence of a procedural irregularity that affected the outcome of the matter;
- b. Discovery of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- d. An appeal of the disciplinary sanctions from the initial determination.

For all appeals, the District shall:

- 1. Notify the other party in writing when an appeal is filed;
- 2. Simultaneously Provide all parties a written copy of the District’s procedures governing the appeal process;
- 3. Implement appeal procedures equally for both parties;
- 4. Ensure that the decision-maker⁵ for the appeal is not the same person as the decision-maker that reached the original determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- 5. Provide all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 6. Issue a written decision describing the result of the appeal and the rationale for the result; and
- 7. Provide the written decision simultaneously to both parties.

Confidentiality

Reports of sexual harassment, both informal reports and formal complaints, will be treated in a confidential manner to the extent possible. Limited disclosure may be provided to:

- individuals who are responsible for handling the District’s investigation and determination of responsibility to the extent necessary to complete the District’s grievance process;
- Submit a report to the child maltreatment hotline;
- Submit a report to the Professional Licensure Standards Board for reports alleging sexual harassment by an employee towards a student; or
- The extent necessary to provide either party due process during the grievance process.⁵

Except as listed above, the District shall keep confidential the identity of:

- ✚ Any individual who has made a report or complaint of sex discrimination;
- ✚ Any individual who has made a report or filed a formal complaint of sexual harassment;
- ✚ Any complainant;
- ✚ Any individual who has been reported to be the perpetrator of sex discrimination;
- ✚ Any respondent; and
- ✚ Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

Administrative Leave

The District may place a non-student employee respondent on administrative leave during the pendency of the District's grievance process.

Retaliation Prohibited

Employees who submit a report or file a formal complaint of sexual harassment,; testified; assisted; or participate or refused to participate in any manner in an investigation, proceeding, or hearing on sexual harassment shall not be subjected to retaliation or reprisal in any form, including threats; intimidation; coercion; discrimination; or charges for personnel policy violations that do not involve sex discrimination or sexual harassment, arise out of the same facts or circumstances as a report or formal complaint of sex discrimination, and are made for the purpose of interfering with any right or privilege under this policy. The District shall take steps to prevent retaliation and shall take immediate action if any form of retaliation occurs regardless of whether the retaliatory acts are by District officials, students, or third parties.

Disciplinary Sanctions

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment. Following the completion of the District's grievance process, any employee who is found by the evidence to more likely than not have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination. No disciplinary sanction or other action that is not a supportive measure may be taken against a respondent until the conclusion of the grievance process.

Employees who knowingly fabricate allegations of sexual harassment or purposely provide inaccurate facts shall be subject to disciplinary action up to and including termination. A determination that the allegations do not rise to the level of sexual harassment alone is not sufficient to conclude that any party made a false allegation or materially false statement in bad faith.

Records

The District shall maintain the following records for a minimum of seven (7) years:

- Each sexual harassment investigation including:

- Any determination regarding responsibility;
- any disciplinary sanctions imposed on the respondent;
- Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
- Any appeal and the result therefrom;
- All materials used to train Title IX Coordinators, investigators, and decision-makers;
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, which must include:
 - The basis for the District's conclusion that its response was not deliberately indifferent; and
 - Document:
 - If supportive measures were provided to the complainant, the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Date Adopted: June 10, 2025

Last Revised:



OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-3309 | Fax: (501) 534-3958
DOC.ARKANSAS.GOV

SECRETARIAL DIRECTIVE

SUBJECT: Employee Conduct Standards and Discipline

NUMBER: 2022-17

SUPERSEDES: SD 2020-09

APPLICABILITY: All Department of Corrections employees

REFERENCE: A.C.A. §§ 25-43-103, 25-43-105, 25-43-108, 25-43-403; SD on Code of Ethics, SD on Employment

PAGE: 1 of 5

APPROVED: Original signature on file

EFFECTIVE DATE: 12/16/2022

I. **POLICY:**

As the executive head of the Arkansas Department of Corrections (Department), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. This directive is consistent with Department policies governing employee conduct and discipline in addition to all Arkansas state laws, rules, and policies. The purpose of this policy is to establish consistent employee Conduct Standards and disciplinary procedures throughout the Department. The Conduct Standards are intended to identify common problems associated with employee conduct and are intended as a guide for actions the Department considers to constitute a conduct violation. Specific violations listed in this directive are not intended to be a comprehensive list. This policy does not create a contract of employment or any legally enforceable interest, nor does it limit the Secretary's authority to establish or revise Department policies or affect their right to terminate employment pursuant to the at-will employment doctrine.

II. **DEFINITIONS:**

- A. **Conduct Standards.** Standards of acceptable behavior for Department employees while on or off duty, including by not limited to those found in this Secretarial Directive.
- B. **Contraband.** Under this Secretarial Directive, Contraband is defined as any article or item that is prohibited by law, rule, or Department policy.
- C. **Decision-Making Supervisor.** An individual over the daily operations and decision-making processes of any Department owned or operated Entity including the Secretary, Chief of Staff, Division Directors, Deputy Directors, Superintendents, Wardens, Center Supervisors, Superintendents, Area Managers, Assistant Area Managers, Administrators, or their designee.
- D. **Disciplinary Probation.** A period of time for the Department to evaluate and help employees correct negative behavior and achieve success. The length of the probation period is determined by the disciplinary violation.
- E. **Entity.** Any office, unit, center, or facility operated by the Department to include programs, farm and industry facilities, construction sites, administrative offices, area offices, jails, work release centers, pre-release centers, and private prisons operated on behalf of the Department

- F. Initial Probation. A (1) one-year probationary period from the date of initial hire with the Department. This probationary period is established as a time for the Department and its divisions to evaluate and help employees adjust to their new positions.
- G. Multiple Violations. Two or more conduct violations by an employee that are active at the same time but resulted from separate incidents.
- H. Offender. Individuals under the custody or supervision of a division of the Department including, but not limited to, inmates of a correctional facility, residents of a community correction center, residents of a reentry center, parolees, and probationers.
- I. Personnel File. The official record of employment of all Department staff maintained by the Central Human Resources office.
- J. Supervisor's File. A record of an employee's performance, including any counseling, verbal warnings, or other disciplinary measures taken, which is maintained by an employee's supervisor. The Supervisor's File is not the same as a Personnel File and may contain additional performance and disciplinary records.

III. PROCEDURES:

A. General Procedures

- 1. The Central Human Resources Office or Local Human Resource Offices will make this Secretarial Directive available to all employees. Policy distribution will be documented by the employee by signing an Acknowledgment of Receipt of Policy form (Attachment #2) or by signing a virtual acknowledgement through EASE. The signed acknowledgement will be placed in the employee's Personnel File. All employees shall be notified of any changes made to this policy.
- 2. This Secretarial Directive may be used as a reference for all Department policy violations in conjunction with the Secretarial Directive on Code of Ethics, the Secretarial Directive on Employment, and any other policies that outline expectations of employees.

B. Responsibilities

- 1. Employees are responsible for being knowledgeable of Department policies outlining Conduct Standards and will be held accountable for violations of those policies pursuant to this directive. Employees can seek clarification of the standards with their supervisor or human resources manager if they are unsure of whether specific conduct may result in a violation.
- 2. Employees may be required to participate in administrative investigations into conduct violations. It is their responsibility to do so in good faith. Employees should report suspected violations to their supervisors.
- 3. Related to this policy, employees that are Decision-Making Supervisors have the responsibility to those under their supervision to:
 - a. promptly provide their staff with any changes to this policy;
 - b. promote and enforce a work environment that is consistent with the Conduct Standards; and
 - c. administer disciplinary actions for violations of Conduct Standards in a consistent and objective manner.

C. Disciplinary Action, Violations, and Prohibited Conduct

- 1. Progressive discipline is intended to impose discipline at the level that is appropriate for the offense and progress through the disciplinary grid when further violations of the applicable Conduct Standards are committed. Progressive discipline also recognizes that some violations of the Conduct Standards are so serious that the level of discipline imposed may exceed the level recommended on the disciplinary grid. The frequency and proximity of violations to previous violations can be grounds to increase the penalty imposed.
- 2. Progressive disciplinary action will be taken where appropriate, and the Secretary and Division Directors may intervene in conduct violation situations when warranted. Progressive disciplinary action may not be taken when a conduct violation adversely affects the security and good order of Department operations.

3. The Conduct Standards should be applied consistently. This goal is accomplished with a fair and thorough investigation prior to the imposition of disciplinary action. The consistency being sought does not require management or Decision-Making Supervisors to administer the exact disciplinary guidelines indicated in the Conduct Standards in every case. Some circumstances, facts, and details of a disciplinary violation may cause disciplinary action to deviate from the recommended standards. However, the Department will promote consistency in disciplining employees for similar violations whenever possible.
4. Corrective counseling is an option and should be considered prior to any disciplinary action as well as between various steps of progressive discipline. Corrective counseling is a tool used to communicate and define expectations to an employee. Corrective counseling is not discipline, however, it should be documented and placed in the Supervisor's File for the counseled employee. Employees may be given opportunity to alter negative behavior using constructive corrective action in a reasonable manner within the scope of the provisions outlined in this policy.
5. All employees of the Department are expected to abide by the Employee Conduct Standards Table (Attachment #3) which are established as guidelines to give a measure of consistency in the administering of discipline with the Department. Other Conduct Standards may be subsequently adopted by the Department. Following each standard are examples of conduct which violate the standard and the disciplinary action which should follow for a typical occurrence.
6. The Employee Conduct Standards Table (Attachment #3) is intended to be a guide for such actions the Department considers unacceptable but are not intended as an inclusive list.
7. Violations of this Secretarial Directive in addition to any of the policies set forth by the Department may result in conduct violations and Disciplinary Action. Employees are responsible for being knowledgeable about Department policy. Employees must seek clarification from their supervisor if they are unsure or do not understand any of the policies maintained by the Department.

D. Penalties

1. Penalties for violation of Conduct Standards shall be administered by supervisors in a consistent, objective, good faith, and non-discriminatory manner. Decision-Making Supervisors are expected to use good judgment in determining the seriousness of violations and the disciplinary penalties. Supervisors must document facts in each case and make sure the penalty is appropriate. All circumstances must be considered before taking final action.
2. The penalty imposed for violating a rule or policy must take into consideration all relevant circumstances. All relevant circumstances taken into consideration when determining a penalty must be clearly stated and well documented. An employee may be disciplined for violating more than one rule or policy arising out of the same incident. In all cases, any mitigating and aggravating circumstances, including Multiple Violations, must be considered in determining the appropriate level of discipline.
3. The following penalties are not intended to be a comprehensive list, as some Conduct Standards violation penalties may be imposed at the discretion of an employee's Decision-Making Supervisor based on circumstantial details. These penalties are meant to serve as a general guide to common disciplinary actions an employee may face when they are found to be in violation of a Conduct Standard:
 - a. Verbal Warning. A verbal warning is a notice to inform an employee that they have violated a conduct standard. Verbal warnings may be used as the basis for future Disciplinary Action.
 - i. Documentation of the verbal warning will be placed in the employee's Supervisor File. A copy of the documentation will not be placed in the employee's Personnel File.
 - ii. An employee shall not be placed on Disciplinary Probation as a result of a verbal warning.
 - iii. Upon the employee's written request and the supervisor's approval, documentation of a verbal warning may be removed from the employee's Supervisor's File after one (1) year from the date of the warning provided

- that no other incidents have occurred.
- iv. When an employee is reassigned to a different supervisor, the Supervisor's File will be forwarded to their new supervisor.
 - b. **Written Warning.** The written notification of a disciplinary violation will include the violation and date the incident occurred. An employee receiving a written warning is automatically subject to a minimum six (6) month Disciplinary Probation period which may be longer depending on the nature of the violation and its impact on Department operations. If a subsequent written warning is received within a one (1) year period from the initial written warning, a minimum nine (9) month disciplinary Probation period will be imposed. A copy of the written warning will be placed in the employee's Personnel File.
 - c. **Suspension.** A suspension is used for major violations of Conduct Standards, repeated violations of Conduct Standards, or when it is determined that the violation, its impact on the operations of the Department, or the circumstances surrounding the incident warrants the immediate removal of an employee for a specified period. Suspensions are accompanied by an automatic twelve (12) month probationary period. A copy of the suspension document will be placed in the employee's personnel file.
 - i. A recommendation to suspend an employee may be made by the immediate supervisor after a thorough and documented review of the situation, but the final decision to suspend must be made by the appropriate Decision-Making Supervisor. The dates of Suspension are to be scheduled soon as possible following the imposition of the penalty. Suspension shall be without pay for a minimum of (1) one working day but not to exceed (10) ten working days (80 hours).
 - ii. Pursuant to the Arkansas Vehicle Safety Policy, in cases where an employee's driver's license is suspended, suspension from their duties may be up to fifteen (15) working days (120 hours). For timekeeping and payroll purposes, the number of hours worked plus the hours of a suspension will not exceed the number of the employee's regularly scheduled work period.
 - d. **Demotion.** An action to be imposed against an employee for a serious violation that reduces their rank, position, or job title. An employee must be qualified for the position to which demoted. Demotion is accompanied by an automatic twelve (12) month Disciplinary Probation period. A copy of the demotion document will be placed in the employee's Personnel File. A demotion may be imposed in conjunction with a suspension.
 - i. A recommendation to demote an employee may be made by their immediate supervisor after a thorough and documented review of the situation, but the final decision to demote must be made by the appropriate Decision-Making Supervisor and reviewed by the Human Resource Administrator to ensure an appropriate position placement.
 - ii. Re-assignment may occur for non-disciplinary reasons. If re-assignment does not result in a loss of pay, the re-assignment does not constitute a disciplinary action.
 - e. **Termination.** Termination is an action to be used for major violations of a Conduct Standard affecting the security and good order of Department operations or when the accumulation of violations has exhausted every other available disciplinary action.
 - i. A recommendation to terminate an employee may be made by their immediate supervisor after a thorough and documented review of the situation, but the final decision to terminate must be made by the appropriate Decision-Making Supervisor.
4. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within (6) six months from the date of the initial verbal or written warning.
 5. A more severe disciplinary action should be taken if an equal or more substantial violation occurs within (12) twelve months of the date of suspension or demotion.

E. Documentation.

1. Supervisors are responsible for documenting each disciplinary action taken. The Acknowledgement of Disciplinary Action Form (Attachment #1) must be completed by the supervisor and employee charged with the conduct violation.
2. Supervisors are responsible for forwarding the Acknowledgement of Disciplinary Action form (Attachment #1) and any supporting documentation to the appropriate Human Resources Administrator and Central Office Human Resources.
3. After the Disciplinary Probation period has expired, disciplinary action should not be used as a consideration for further progressive discipline. However, documentation regarding an incident will remain in an employee's Personnel File unless ordered to be removed pursuant to the employee grievance process or as a result of an internal investigation concluding that the violation never occurred.
4. Documentation should include detailed descriptions of factual statements. Documentation shall include the following information at a minimum:
 - a. Standards which have been violated;
 - b. Disciplinary Action taken;
 - c. Assistance or advice given to the employee to bring conduct into acceptable standards;
 - d. Consequences if standards are not followed in the future; and
 - e. Acknowledgment of Disciplinary Action (Attachment #1) signed by the supervisor, employee, and a witness (if applicable).
 - i. If the employee refuses to sign the Acknowledgment of Disciplinary Action form (Attachment #1), a third party shall witness the refusal by signing the appropriate place.
 - ii. A copy of the documentation of all disciplinary actions shall be placed in the Supervisor's File.
 - iii. A copy of the documentation shall be placed in the employee's Personnel File, except for documentation of verbal warnings which will only be placed in the Supervisor's File.
5. If authorized in writing by the Secretary, disciplinary records of senior executive employees (assistant director and above) may be retained outside of Central Human Resources.

F. Probationary Period.

1. All disciplinary actions, except a verbal warning, are accompanied by an automatic Disciplinary Probation Period. A Disciplinary Probation Period will commence on the day an employee receives official notification of disciplinary action. Official notification should be hand-delivered or mailed to the employee.
2. Employees are automatically subject to an Initial Probation period during their first year of employment or six (6) months following a promotion. This Initial Probation period may be extended by the appropriate Decision-Making Supervisor in lieu of disciplinary action with written notification.
3. Employees who are disciplined during the Initial Probation period who then do not show improvement may be terminated.

IV. ATTACHMENTS:

Attachment 1. Acknowledgement of Disciplinary Action Form

Attachment 2. Acknowledgement of Receipt of Policy

Attachment 3. Employee Conduct Standards Table



OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-3309 | Fax: (501) 534-3958
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Acknowledgement of Receipt of Policy

I have been provided a copy (digital or physical) of the Department of Corrections Employee Conduct Standards and Discipline policy. I understand that it is my responsibility to understand and read this policy. My signature below indicates that I acknowledge receipt of the policy and that I have read and understand the information it outlines regarding Conduct Standards and discipline.

Employee Signature

AASIS #

Date

Employee Conduct Standards and Prohibited Conduct Table

The following standards are guidelines created to give a measure of consistency in the administration of discipline throughout the Department of Corrections (Department). The standards listed below are not an exhaustive list of prohibited conduct. The Department may adopt and enforce additional standards.

Each conduct standard is labeled numerically and in bold text. Below each standard is a list of conduct which violates the standard, as well as the disciplinary action which should result from a typical occurrence of the conduct violating the standard. Instances which are less or more serious than a typical occurrence of prohibited conduct may be subject to departures from the presumptive disciplinary actions for a prohibited conduct.

The list of prohibited conduct is intended only as a guide in determining which actions the Department considers unacceptable. Nothing in this list creates any legally enforceable interest or limits the authority of the Secretary or Division Directors to terminate any employee at will.

To determine the presumptive appropriate disciplinary action for a specific prohibited action, locate the conduct on the chart. There are four (4) progressive levels of discipline located to the right of the chart. An X in the column for a level of discipline indicates that the particular level of discipline is recommended for the listed conduct.

Occasionally, an X will be followed by an asterisk (*), which indicates that further guidance regarding that level of discipline should be located in the table cell detailing the prohibited conduct. Supervisors should consider this guidance prior to finalizing any disciplinary decisions.

Standards & Prohibited Conduct		Verbal	Written	Suspension/ Demotion	Termination
1.	Employees shall conduct themselves in a professional manner. Employees shall be patient, courteous, and respectful.				
a.	Loitering, visiting, or excessive personal use of the telephone.	X	X	X	X
b.	Disruptive horseplay or practical jokes, not resulting in injury or property damage.	X	X	X	X
c.	Disruptive horseplay or practical jokes resulting in injury or property damage. *Employee may be required to reimburse the Department for injury or property damage		X	X	X
d.	Use of language or gestures that are inappropriate, insolent, violent, or profane in nature while on duty, in uniform that depicts a Department logo, or on Department property.		X	X	X
e.	Unnecessary or excessive use of force against a member of the public or another employee.			X	X
f.	Introduction or possession of contraband in any amount within a secured perimeter or a security post of a Department entity.				X

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g.	<p>Unauthorized possession of a cell phone or its components within a secured perimeter or a security post of a Department entity. *Suspension may only be utilized when the employee did not possess the phone for purposes of illicit behavior.</p>			X
h.	<p>Bribery</p>			X
i.	<p>Failure to report an offer of a bribe or gratuity from offenders or anybody working on behalf of an offender.</p>		X	X
j.	<p>Careless or unsafe handling of vehicular equipment. *Employee may be required to reimburse the Department for injuries or property damage.</p>	X	X	X
k.	<p>Careless or unsafe handling of a firearm. *Employee may be required to reimburse the Department for injuries or property damage.</p>	X	X	X
l.	<p>Unauthorized possession of firearms, explosives, or other weapons during work hours.</p>		X	X
m.	<p>Sexual conduct with staff, offenders, or the public while on duty, within the secured perimeter of a Department entity, in Department office buildings, or in state vehicles.</p>		X	X
n.	<p>Refusal to submit to a polygraph or voice stress analysis when required by Department policy.</p>			X
o.	<p>Violation of established uniform dress codes. *Employee may be sent home to change attire or appearance.</p>	X	X	X
p.	<p>Willful destruction of evidence of an employee by converting such evidence to his or her own use, manufacturing, concealing, falsifying, destroying, removing, tampering with, or withholding any property or evidence.</p>			X
q.	<p>Violation of Department or Division level published policies other than those for which appropriate discipline levels are prescribed in this document. *Severity of discipline depends on severity of the policy violation and the effect on the Department.</p>	X*	X*	X*
r.	<p>Accepting any gifts, compensation, donations, etc. for services rendered by employees or inmates other than those that may be acceptable under law or policy.</p>	X	X	X
s.	<p>Association or membership in a security threat group, including but not limited to, the Bloods, Crips, Mexican Mafia, and Ku Klux Klan.</p>			X
t.	<p>Purchase of lottery tickets, gambling, or visiting a casino restaurant or store while in uniform or on duty. For the purposes of this standard, uniform includes any clothing or personal item with a logo representing the Department or any of its divisions.</p>	X	X	X
u.	<p>Failure to notify supervisor and Human Resources of any changes in telephone or address within 72 hours of the change.</p>	X	X	X
v.	<p>Engaging in behavior that prohibits an employee from maintaining a required professional certification.</p>		X	X
2.	<p>Employees shall always conduct themselves in a manner that reflects favorably on the Department of Corrections, both on and off the job.</p>			

a.	Conduct unbecoming of a public employee- conduct which damages the Department image as a government, law enforcement, and criminal justice agency, reflects discredit on the character of the employee or the Department, or impairs Department operations.		X	X	X
3.	Employees shall not engage in inappropriate use of social media, including inappropriate use which occurs outside of work. Employees will be held accountable for content appearing on their social networking sites, whether posted by the employee or not.				
a.	Posting content that is inconsistent with Department policy.		X	X	X
b.	Posting confidential information or information restricted by state law or rule, Department policy, or Division policy.		X	X	X
c.	Cyberbullying – using information and communication technologies to support deliberate and hostile behavior by an individual or group with the intention of harming another person.		X	X	X
d.	Posting information or pictures on social media which actually or potentially compromise staff, compromise public safety, undermine operations, or cause disruptions in the workplace.		X	X	X
e.	Posting, transmitting, or disseminating unauthorized information (such as texts, pictures, files, video, audio, etc.) to the internet or any other public or private forum in a matter that discredits or reflects unfavorably on the Department as a whole.		X	X	X
f.	Creating an unauthorized site or platform that appears to be an official Department site or platform.		X	X	X
g.	Posting images of logos, emblems, badges, and patches which specifically identify the Department in a manner that would lead a viewer to believe that the site or platform is sanctioned by the Department.		X	X	X
4.	Employees shall not violate Arkansas state law prohibiting nepotism.				
	State law prohibits relatives of employees from being placed within the same line of supervision whereby one relative is in a supervisory position over the other or is able to hire, fire, make pay adjustment, or other personnel actions. For purposes of this policy, relative is defined as family members such as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepson, stepdaughter, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.				
a.	Employee's failure to report their relationships violating the nepotism policy. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade			X*	X
b.	Supervisor's failure to take direct action after an employee's report of relationships violating the nepotism policy.			X	X
5.	Employees shall not engage in activity which compromises professional relationships and causes a disruption to the work environment.				
a.	Sexual or personal relationships between a supervisor and a subordinate.			X	X
b.	Employment relationships between a supervisor and a subordinate outside of Department employment in which the subordinate is hired by the Department supervisor in a non-Department job, such as a contractor.			X	X

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c.	Participating in hiring or promotional decisions with any applicant or employee with whom there exists an intimate relationship.			X	X
d.	Any business enterprise, partnership, or joint venture between a supervisor or subordinate. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
e.	Engaging in any activity with another employee which compromises professional relationships. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
6.	Employees shall: (1) report immediately to their supervisor when unable to be at work or training, (2) get approval prior to being away from duty station, and (3) strictly observe working hours and lunch periods. For purposes of this policy, each action is considered an independent violation. A physician's statement to verify illness may be required by a supervisor at any time, subject to applicable laws.				
a.	Unauthorized absence from work, training, or physical assessment.		X	X	X
b.	Verified misuse of sick leave.		X	X	X
c.	Failure to adhere to work hours or lunch periods.	X	X	X	X
d.	Failure to provide a medical provider's statement when requested.		X	X	X
e.	Failure to call or report to supervisor for three (3) consecutive working days.		X	X	X
f.	Failure to log or clock in or out as directed.		X	X	X
g.	Clocking in or out for another employee.				X
h.	Abandonment of post or job.				X
7.	Employees shall perform job duties at a level commensurate with job specifications, performance standards, and other duties as assigned.				
a.	Unsatisfactory work performance. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.	X	X	X*	X
b.	Unsatisfactory work performance resulting in injury, property damage, or both. *Employee may be required to reimburse the Department for injuries and property damage. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.		X	X*	X
c.	Inadequate work performance *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.	X	X	X	X
8.	Employees shall abide by the Department's Code of Ethics policy that governs employee ethics, solicitation, and anti-fraud practices. Violations of these standards may be in violation of state law and subject to prosecution.				
a.	Selling to or solicitation of employees during work time without authorization of the Secretary or Division Director.	X	X	X	X
b.	Selling to or solicitation of offenders.			X	X

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c.	Violation of public employee ethical standards set forth in the Code of Ethics policy.	X	X	X	X
d.	Posting personal items, altering, or removing business notices on Department property without authorization of the Secretary or Division Director.	X	X	X	X
9.	Employees shall come to the assistance of another employee or offender, including but not limited to aiding a person who is being physically assaulted or when force is being used in a manner inconsistent with Department or Division Policy.			X*	X
a.	Failure to respond or assist in situations resulting in or likely to result in physical injury or property damage. *Employee may be required to reimburse the Department for injuries or property damage			X*	X
10.	Employees shall abide by Department and Division Drug Free Workplace Policies. All positions at the Department of Corrections are designated as security sensitive positions.				
a.	Purchase, use, sale of, or distribution of alcoholic beverages while in uniform or on duty. For the purposes of this standard, uniform includes any clothing or personal item with a logo representing the Department or any of its divisions. *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.		X*	X*	X*
b.	Reporting to or on duty with an alcohol level at or above .02 but less than .04. *Suspension must be accompanied by a referral to the Employee Assistance Program			X*	X
c.	Reporting to or on duty with an alcohol level at or above .04.				X
d.	Possession (in any amount), use, sale of, or distribution of any illegal drug or drug paraphernalia.				X
e.	Refusing to provide a urine specimen when required, proving an adulterated specimen, or providing or attempting to provide another person's urine.				X
f.	A positive result in a specimen provided by the employee used to identify illegal drug use or unauthorized prescription drug use as determined by the Department's toxicologist.				X
11.	Progression of discipline for conduct with multiple discipline options will depend on the extent of the adverse impact on the Department, offenders, or other employees. Employees shall be law-abiding citizens.				
a.	A conviction, plea of guilty, or plea of nolo contendere to a felony.				X
b.	A conviction, plea of guilty, or plea of nolo contendere to a Class A misdemeanor or any misdemeanor violations of the Omnibus DWI Act. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
c.	A conviction, plea of guilty, or plea of nolo contendere to a misdemeanor that is not a Class A misdemeanor or a violation of the Omnibus DWI Act, including unclassified misdemeanors. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.		X	X*	X

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d.	Failure to report incidents of arrest on felony charges, filing of felony information, issuance of a felony warrant, or indictment on a felony.		X	X	X
e.	Failure to report moving traffic violations in a state or personal vehicle. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.	X	X	X*	X
f.	Failure to maintain the ability to carry a weapon or drive a state vehicle in positions that are required to do so. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
g.	Unauthorized use of authority, identification, or emergency equipment.			X	X
h.	Employee arrest for a charge that impairs their ability to perform their job duties.				X
12.	Employees shall maintain a courteous and respectful demeanor in communicating with co-workers, subordinates, offenders, and members of the public. Level of discipline will depend on the extent of the adverse impact on the Department, offenders, or other employees.				
a.	Discourteous treatment of others.	X	X	X	X
b.	Presumptuous and insulting manner of speech which is rude and disrespectful to employees or members of the public.		X	X	X
13.	Employees shall not engage in harassment or discriminatory conduct based on a person's race, color, sex, religion, national origin, age, disability, or any other protected class. The Department has a zero-tolerance policy for all forms of sexual abuse or sexual harassment.				
a.	Harassment.			X	X
b.	Discrimination.				X
c.	Retaliation against employees or offenders who have filed lawsuits or grievances or who have otherwise engaged in protected activity.			X	X
14.	Employees shall always remain alert and vigilant while at work. For purposes of this policy, sleeping while on duty may be substantiated by firsthand witness testimony or circumstantial evidence which shows that the employee's actions were so significantly failing to meet standards of being alert that there can be no substantive difference between the alleged behavior of one who would be found asleep under the same circumstances.				
a.	Sleeping while on duty not resulting in escape, injury, or property damage.			X	X
b.	Sleeping while on duty resulting in escape, injury, or property damage.				X

c.	Inattentiveness on duty. *Level of discipline will depend on the extent of the adverse impact on the Department, offenders, or other employees.	X	X	X	X	X
d.	Failure to inform supervisor when taking medications which may impair performance.		X	X	X	X
15.	Employees shall exercise reasonable and responsible care of Department equipment, materials, property, and facilities. Employees shall not be in the possession Department property without approval from their supervisor.					
a.	Unauthorized possession, misuse, or abuse of equipment, vehicles, materials, property, or facilities. *Employees may be required to reimburse the Department for damage or loss.		X	X	X	X
b.	Unauthorized entry into state property, including unauthorized entry outside of assigned work hours.		X	X	X	X
c.	Unauthorized entry into restricted areas.			X	X	X
16.	Employees shall report any injuries of employees or offenders according to Department and Divisional policies.					
a.	Failure or delay in reporting injuries of employees or injuries or illness of offenders.		X	X	X	X
b.	Failure to report a known or suspected PREA incident.			X	X	X
17.	Employees shall perform work assignments within the scope of their assigned roles and follow requests and instructions by supervisors.					
a.	Failure to perform or carry out work related instructions when such instructions are reasonable, within the employee's ability to perform, and would not pose a safety or welfare hazard to the employee. *This violation may warrant a greater disciplinary action based on the impact the violation or error has to Department operations.		X*	X*	X*	X*
b.	Insubordination - deliberate refusal to carry out reasonable work requests or instructions.				X	X
18.	Employees shall give clear, complete, and accurate information in completing applications, work records, verbal statements, written statements, inmate records, investigations, and claims for reimbursement.					
	For purposes of this policy, intentional omission of significant information done with the intent to falsify or deceive is considered falsification.					
a.	Falsification of work records, employment applications and supporting documentation, or other forms or applications.					X
b.	Falsification of written or verbal statements.					X
c.	Fraudulent claims for reimbursements or benefits. *Written warnings, suspension, or demotion can only be considered when the employee has admitted to previously falsified information to assist officials engaged in an ongoing investigation.		X*	X*	X*	X
19.	Employees shall respect state property and the property of others. Employees shall handle all Department funds as required by the Department and State accounting and applicable budgetary procedures.					
a.	Mishandling of Department funds or assets.		X	X	X	X

b.	Theft of property or mishandling of Department funds or assets for personal gain.				X
20.	<p>Employees shall observe rules and regulations regarding confidential information in Department records. Employees shall not use records and other confidential information for purposes other than to conduct Department business.</p> <p>Unauthorized disclosure of ACIC, NCIC, Justice Exchange, eOMIS, and other information may be a criminal offense and subject to prosecution.</p>				
a.	<p>Unauthorized access, release, or disclosure of information, records, or documents- including but not limited to human resource records, offender records, facility or center security information, recordings, emails, and photographs.</p> <p>*Severity of disciplinary action depends on the severity of the policy violation and its effect on Department operations.</p>		X*	X*	X*
b.	<p>Misuse, mishandling, or unauthorized use of information, records, or documents such as that information contained in, but not limited to, eOMIS, ACIC, NCIC, and Justice Exchange.</p> <p>*Severity of disciplinary action depends on the severity of the policy violation and its effect on Department operations.</p>			X*	X*
21.	<p>Employees shall always maintain a courteous and professional demeanor in their associations with offenders, their families, and friends. Employees shall abide by the Department's regulations concerning appropriate relationships between employees and offenders, their families, and friends. Unavoidable relationships due to marriage, family relationships, etc. should be reported to a supervisor immediately.</p>				
a.	Engaging in gambling with an offender.				X
b.	Soliciting or accepting a bribe from an offender.				X
c.	Verbal abuse of an offender, their family, or friends.	X		X	X
d.	<p>Unnecessary or excessive force against an offender, their family, or friends.</p> <p>*Disciplinary action may escalate if injury is involved.</p>		X	X	X
e.	Physical abuse used to punish or harass an offender, their family, or friends.				X
f.	<p>Engaging in sexual contact of any type with an offender, their family, or friends. Sexual conduct includes, but is not limited to kissing, sexual intercourse, etc.</p> <p>*Engaging in sexual conduct with an offender, their family, or friends may be a criminal offense and subject to prosecution in addition to the conduct being a violation of this directive.</p>				X
g.	Entering into a private business relationship or partnership involving financial transactions with an offender, their family, or friends, unless the employee is related to the individual with whom the business relationship is entered.			X	X
h.	Development of a non-professional relationship with offenders, their family, or friends, including but not limited to sexual relationships, personal letters, phone calls, social media communications, and visiting.				X
i.	Failure to report the incarceration of an immediate or distant family member, friend, or acquaintance after initial employment.	X		X	X
j.	Trafficking or unauthorized trading with an offender, their families, or friends.				X
k.	Failure to report criminal activity involving an offender outside of work.	X	X	X	X

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I.	Employee's failure to report an existing relationship with an offender, whether or not that offender is in custody at the time of their initial employment or is remanded to Department custody during any point of their employment. *This conduct may result in demotion, reassignment, or both, which may result in loss of pay or grade.			X*	X
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