



UNIVERSITY OF  
ARKANSAS

**Student Affairs**  
*Student Accountability*

**2023-2024**  
**The Code of Student Life**  
**Student Conduct Proceedings**

**Effective 08.19.2023**

The Code of Student Life  
Table of Contents

I.	<b>Student Standards of Conduct</b> <ul style="list-style-type: none"><li>a. Introduction</li><li>b. Jurisdiction</li><li>c. Definitions</li><li>d. Standards</li></ul>
II.	<b>Respondent and Complainant Rights in the Student Conduct Process</b>
III.	<b>Student Conduct Proceedings</b> <ul style="list-style-type: none"><li>a. Filing a Complaint</li><li>b. Presumption of Non-Responsibility and Standard of Proof</li><li>c. Conduct Correspondence</li><li>d. Preliminary Investigation</li><li>e. Summoning</li><li>f. Pre-Hearing</li><li>g. Administrative Hearing</li><li>h. Charge Plus Sanction</li><li>i. Informal Resolution</li></ul>
IV.	<b>Appeal Procedures</b>
V.	<b>Administrative Actions</b>
VI.	<b>Sanctions</b>
VII.	<b>Student Conduct Records</b>
VIII.	<b>Selection and Composition of the All-University Conduct Board</b>
IX.	<b>Student Organization Conduct Process</b>
X.	<b>Appendices</b>

# I. Student Standards of Conduct

## A. Introduction

The Student Standards of Conduct at the University of Arkansas, Fayetteville, set forth behavior standards for students to follow as they live, study, work, and pursue their educational goals in a safe, respectful, and inclusive environment. Students share the responsibility for maintaining an environment in which the rights of each member of the community are respected. All students and their guests shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the community are respected.

## B. Student Responsibility for Behavior and University Jurisdiction for Student Conduct Matters

University of Arkansas faculty, staff and students value the University's relationship with the surrounding Fayetteville community and realize that the University has tremendous social, cultural, and economic impact on the greater Northwest Arkansas area. The University seeks to help students learn to become conscientious members of their community, and students are expected to always conduct themselves in a responsible manner, whether on- or off-campus.

The Code of Student Life applies to all persons enrolled in courses offered by the University of Arkansas, Fayetteville, to persons who have been notified of their acceptance for admission, and persons who are living in University of Arkansas, Fayetteville, residence halls, even if not presently enrolled at the institution. The Code of Student Life also applies to persons who withdraw or graduate after allegedly violating the Code of Student Life or who are not enrolled for a particular term but have an apparent continuing relationship with the University. A "continuing relationship" may include, but is not limited to, students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment, or a student accepted for admission who has indicated intent to attend in a future period of enrollment.

While procedures may vary, the Student Standards of Conduct requirements of the Code of Student Life apply to both on- and off-campus behavior (including behavior occurring in a foreign country or in another state, and behavior at all University-sponsored activities, regardless of location) that may have an impact on the mission of the University, or that may have an impact on the health, safety or welfare of any individuals involved. Student Affairs officials shall determine, on a case-by-case basis, whether an incident that occurs off-campus adversely affects the University's mission or members of the campus community in pursuit of their institutional and educational goals and, thus, falls within the scope of the Code of Student Life. In determining whether or not to exercise off-campus jurisdiction, the Student Affairs officials may consider, among other criteria, the seriousness of the alleged offense, whether drugs and/or alcohol are involved, the risk of harm involved, whether the alleged Complainant(s) are members of the campus community or the surrounding Fayetteville community, and whether the off-campus conduct is part of a series of actions which occurred both on- and off-campus.

The University of Arkansas may act in situations involving a student or Student Organization's violation of federal, state or local law. If a student or Student Organization is reported by a community member for possible violations of the law, the University will cooperate with appropriate officials to take necessary legal action.

The University reserves the right to withhold a degree otherwise earned and to deny a student participation in graduation ceremonies until the completion of a pending case and/or all Sanctions imposed for violations of the Code of Student Life. The University further reserves the right to withdraw degrees, honors, or awards for actions that occurred before graduation. (Note that the School of Law has its own process for reviewing alleged violations of the Code.)

### C. Definitions

All the terms within the Student Standards of Conduct have their common dictionary meaning. The following terms, however, should be interpreted to have the specific meanings listed below. Any question of interpretation will be determined at the sole discretion of the Vice Chancellor for Student Affairs (VCSA) or designee.

1. *Administrative File*: All documents and evidence in the University's possession or control that is relevant to an alleged violation of the Code of Student Life and the University's investigation into the alleged violation. The Administrative File does not include privileged documents, internal communications, or communications from non-parties that the University does not intend to produce as evidence at a Student Conduct proceeding. The Administrative File may include, but is not limited to, the following: exculpatory or demonstrative evidence; statements by a victim, complainant, or witness; electronically stored information; written communications; social media posts; any relevant photo or video files; and/or statements written or otherwise provided by any individual involved in the Student Conduct Matter.
2. *Administrative Hearing*: A private and informal meeting between a Respondent, their advisor (if the Respondent elects to have one), and a Hearing Officer. The purpose of the Administrative Hearing is to review and discuss the contents of the Administrative File and the Student Conduct Matter. During the Administrative Hearing, the Hearing Officer may discuss the details of the Student Conduct Matter(s), ask questions related to the contents of the Administrative File, and/or review and discuss statements made by the Respondent throughout the Student Conduct Proceedings, to determine whether a Respondent is "responsible" or "not responsible" for violating the Code of Student Life. The Respondent may not present or cross-examine witnesses during the Administrative Hearing, although the Respondent may present witness testimony in writing as part of their Administrative File. The Administrative Hearing may not be recorded.
3. *Appeal Hearing*: An Appeal Hearing is a formal review of the outcome made by a Hearing Office as part of an Administrative Hearing. Appeal Hearings are conducted at the request of a Respondent or Complainant. The All-University Conduct Board is the official hearing body for all Appeal Hearings. The function of the All-University Conduct Board in evaluating an appeal is that of reviewing the decision of the Hearing Officer. At Appeal Hearings, witnesses may be presented and cross-examined. Appeal Hearing proceedings are audio recorded. The decision made by the All-University Conduct Board in all Appeal Hearings are final.
4. *Complainant*: Any student who reports – or has a matter reported on their behalf – to be a victim of an offense that is designated as a "Crime of Violence" pursuant to the definitions set forth in the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or constitutes an alleged violation of the following Code of Student Life standards; Sexual Harassment, Sexual Misconduct, Stalking, Voyeurism, Discrimination and/or Discriminatory Harassment. The offenses that constitute a "crime of violence" under FERPA include arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, statutory rape, and incest.
5. *Day*: A calendar day, unless otherwise specified. If specified as a "business day", that would exclude weekends, holidays, and other days when the campus is closed.
6. *Fully Participate*: University of Arkansas students participating in any component of the Student Conduct proceedings may have an advisor fully participate in the process. Fully Participate means the advisor may, on behalf of the student, ask procedural questions directed to the Hearing Officer or All-University Conduct Board Appeal Hearing panel and present evidence on behalf of the student at the Administrative Hearing. Advisors may discreetly advise the student, but may not interfere with the information-gathering process, or speak directly on behalf of, or answer questions related to the incident, posed to the student by the investigator, Hearing Officer, or hearing panel during any investigational interview, questioning, or cross-examination phase that occurs during any investigation, or hearing. During an All-University Conduct Board Appeal Hearing the advisor may, on behalf of the student, present evidence, cross-examine witnesses, and make opening and closing

statements at the Appeal Hearing. The student is responsible for selecting and, if applicable, compensating their advisor.

7. *Hearing Officer*: A single, impartial individual who conducts an Administrative Hearing to decide whether a Respondent is responsible for violating the Code of Student Life and to imposes Sanctions.
8. *Student Conduct Proceeding*: Any investigatory interview, hearing, or appeal conducted by an administrator or hearing body related to an alleged violation of the Code of Student Life.
9. *Student Conduct Matter*: Any student case or matter that is before the Office of Student Accountability as an alleged violation of the Code of Student Life.
10. *Reporter*: Any member of the University community who has reported an alleged violation of the Code of Student Life.
11. *Respondent*: A Student accused of violating the Code of Student Life.
12. *Sanction*: An educational or Student Conduct outcome or action that is imposed on a Respondent following a determination that the Respondent has violated the Code of Student Life. Sanctions are not designed to be punitive; rather, they are intended to be educational measures that hold students accountable for their behavior and protect the campus community.
13. *Student*: A person who has been admitted to the University of Arkansas and falls within the jurisdiction of the Code of Student Life as defined in Code of Student Life Section I(B), Jurisdiction.
14. *Student Organization*: Any number of persons who have, as a group, engaged in a particular activity and have complied with the formal requirements for official University recognition.

#### D. Student Standards of Conduct

Notwithstanding actions taken by state or federal authorities, or private litigants, the VCSA or designee may initiate Student Conduct Proceedings as outlined below against a student or Student Organization that is alleged to have violated or attempted to violate these standards or other applicable University rules or governing laws, including the following:

1. **Physical Abuse**: Includes but is not limited to, inflicting, or threatening bodily harm upon any person, or acting in a manner which creates a risk of bodily harm to any person.
2. **Domestic and/or Dating Violence**: Violence against a spouse, former spouse, or an individual who has had a dating or engagement relationship. "Violence" means an assault and/or battery in which an individual attempts to cause or intentionally, knowingly, or recklessly causes bodily injury, or intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury.
  - a. Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Domestic Violence includes violence committed by a current or former spouse of the Victim; by a person with whom the Victim shares a child in common; by a person who is cohabiting with or has cohabited with the Victim as a spouse or intimate partner; by a person similarly situated to a spouse of the Victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any person against an adult or youth Victim who is protected person's act under the domestic or family violence law of the jurisdiction in which the crime of violence occurred.

3. **Harassment:** Unwelcome verbal, written, or physical conduct or communications made by phone, text, mail, email, social media, or other virtual platforms. That creates an intimidating, hostile, or offensive environment; that is sufficiently severe or pervasive; and/or that unreasonably interferes with, denies, or limits an individual's ability to participate in the University community or participate in or benefit from the university's educational programs or activities.
4. **Coercion and/or Intimidation:**
  - a. Coercion is compelling or inducing another person to engage in conduct or refrain from engaging in conduct, including, but not limited to using threats or instillation of fear.
  - b. Intimidation is physical conduct threatening specific individual(s) with the intent to place those individuals in fear of bodily harm or death and would be so construed by a reasonable person.
5. **Conduct that interferes with the operations of the University:** Such conduct includes but is not limited to the disruption or obstruction of;
  - a. Teaching or research;
  - b. Administration, or administrative functions;
  - c. University Sponsored Activities (on or off Campus);
  - d. Tampering with the election of any University-recognized Student Organization;
  - e. *See Appendix D*
6. **Endangerment:** Conduct that endangers the health or safety of any person.
7. **Discrimination or Discriminatory Harassment:**
  - a. Discrimination is an adverse action against any member of the University community or visitor, or in connection with any University activity, through behavior of a biased or prejudicial nature related to an individual's actual or perceived personal characteristics, that includes, but is not limited to: race, color, national origin, sex; sexual orientation; gender; gender identity or expression, marital or parental status, religion, disability, age, or veteran status. Such conduct includes, but is not limited to, conduct that violates the University's policies prohibiting discrimination. (See Appendix A)
  - b. Discriminatory Harassment is;
    - i. Unwelcome verbal, written, or physical conduct of a biased or prejudicial nature related to an individual's actual or perceived personal characteristics, that includes, but is not limited to: race, color, national origin, sex; sexual orientation; gender; gender identity or expression, marital or parental status, religion, disability, age, or veteran status;
    - ii. That creates an intimidating, hostile, or offensive environment;
    - iii. That is sufficiently severe or pervasive that;
    - iv. It unreasonably interferes with, denies, or limits an individual's ability to participate in the University community or participate in or benefit from the university's educational programs or activities. Such conduct may include, but is not limited to, communications made by phone, text, mail, email, or social media.
8. **Sexual Harassment:** Unwelcome comments or conduct based on gender that creates an intimidating or offensive working, learning, or living environment and that represents substantial interference with the rights or opportunities of the Victim. Such conduct includes, but is not limited to:
  - a. Conduct that violates the University's policies prohibiting sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or written communication of a sexual nature.
  - b. The use of phone, email, social media, or any other method to relay messages or

- materials of a sexual nature that are unwanted by the recipient.
- c. Is sufficiently severe, persistent, or pervasive that it, unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the university's educational program and/or activities.
- d. Based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
- e. (See Appendix B)

9. **Sexual Misconduct:** Includes, but is not limited to:

- a. Rape is the penetration, no matter how slight, of the vagina or anus, with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the Victim. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Victim, including instances where the Victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- b. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- c. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined under state and/or federal law.
- d. Sexual Exploitation is when a student takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: Invasion of sexual privacy; Prostituting another student; Non-consensual video or audio- taping of sexual activity; Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); Knowingly transmitting an STI or HIV to another student; Exposing one's genitals or engaging in sexual self-gratification and/or self-fondling in non-consensual circumstances, or in a location that is not reasonably private; Inducing another to expose their genitals; Sexually based stalking and/or bullying may also be forms of sexual exploitation.
- e. Any sexual activity or attempt to engage in sexual activity, that does not involve the knowing consent of everyone expressed verbally or otherwise. Consent is defined as:
  - i. Consent is a clear, knowing, and voluntary decision to engage in sexual activity.
  - ii. Because consent is voluntary, it is given without coercion, force, threats, or intimidation. It is given with positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
  - iii. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.
  - iv. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. The revocation of consent must be done clearly and knowingly to all parties involved. Once consent has been revoked, sexual activity must stop immediately.
  - v. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other, or future, forms of sexual activity. Use of alcohol or other drugs will never function as a defense to a violation of this Policy. Further, previous relationships or prior consent cannot imply consent to future sexual acts.
  - vi. Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the "who, what, when, where, and how"

related to the sexual activity. States of incapacitation include, but are not limited to, unconsciousness and sleep. Where alcohol or drugs are involved, incapacitation is determined by how the alcohol or other drugs have impacted a person's decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments.

vii. In sum:

- a. Silence does not equal consent.
- b. Lack of verbal resistance does not constitute consent.
- c. Lack of physical resistance does not constitute consent.
- d. There is no consent when there is force, coercion, intimidation, threats, or duress.
- e. Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.
- f. Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- g. A prior sexual relationship does not indicate current or future consent.
- h. Minor cannot give consent.
- i. Physically or mentally incapacitated persons cannot give consent.
- j. Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged Victim was incapacitated.

10. **Stalking: Engaging** in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalking directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the Victim; "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
11. **Disorderly Conduct:** Includes but is not limited to the following: engages in fighting or in violent, threatening behavior, makes unreasonable or excessive noise, uses abusive or obscene language or makes obscene gestures, disturbs or disrupts any assembly, classroom or meeting of persons, obstructs vehicular or pedestrian traffic, or creates a hazardous or physically offensive condition.
12. **Damage, Defacement, and/or Destruction:** Causing damage, defacement or destruction of property owned by the University or any other person or group.
13. **Theft:** Attempted or actual theft or unauthorized use of any property or services.
14. **Weapons:** Possession, use, or storage of firearms, explosives, weapons, or dangerous chemicals on property owned or controlled by the University or during any University event is prohibited. This prohibition extends to stun guns, tasers, brass knuckles, and pocketknives longer than four inches. Limited exceptions include:
  - a. Weapons possessed by a licensed law enforcement officer and directly related to their current professional position.
  - b. Weapons possessed lawfully under Ark. Code Ann. § 5-73-322 regarding the carrying of concealed handguns on university campuses.
  - c. Weapons stored lawfully in a locked and unattended motor vehicle under Ark. Code Ann. § 5-73-306 regarding storage of concealed handguns.
  - d. See Appendix G



15. **Alcohol Possession and/or Use:** Consumption, possession, use, or distribution of an alcoholic beverage in violation of law or University policy, including, but not limited to, supplying alcoholic beverages to those who are not of legal age to consume or possess alcohol. *(See Appendix C)*
16. **Public Intoxication:** Appearing in a public place manifestly under the influence of alcohol or a controlled substance to the degree that the person is likely to endanger themselves or another person or property.
17. **Drugs and Controlled Substance Possession and/or Use:** Use or possession of a controlled substance, narcotic, drug paraphernalia, or counterfeit controlled substance, as defined under state or federal law.
18. **Prescription Medication Misuse:** Use or possession of prescriptions medication other than for the person prescribed, and/or for use other than the prescribed purpose.
19. **Controlled Substance Delivery (Actual or Intended):** Sale, manufacture, delivery, or transfer (actual or intended) of a controlled substance, narcotic, or counterfeit controlled substance, as defined under state or federal law.
20. **Violation of Safety Systems:** Includes but is not limited to the below listed behaviors.
  - a. Unauthorized use, abuse, or interference with fire protection equipment or safety equipment which could result in death, injury, or substantial property damage.
  - b. Intentional setting off false fire alarms.
  - c. Bomb threats or similar threats involving dangerous devices or substances.
  - d. Behavior which constitutes a significant fire hazard.
  - e. Unauthorized possession or use of any material or substance which constitutes a significant health hazard.
  - f. Intentional tampering with or damage to University facility doors, locks, or other entrances and/or exits.
21. **Hazardous Materials:** Possession or use of any explosive device or material on University property, including but not limited to, firecrackers, cherry bombs, bottle rockets and dynamite, without express authorization by an authorized University official; Possession or use of any dangerous or prohibited chemical without express authorization by an authorized University official.
22. **Hazing:** Actions taken, and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program. Hazing includes any willful act by one (1) student alone or acting with others which is directed against any other student that encourages, aids, or assists any person in hazing or knowingly acquiesce in the commission of hazing. Hazing is defined as;
  - a. Behavior that is done for the purpose of intimidating the student, attacking by threatening him or her with social or other ostracism or of submitting student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results that are designed or with the effect of producing mental or physical discomfort, embarrassment, harassment, or ridicule or interfering with academic achievement.
  - b. Playing abusive or truculent tricks to frighten or scare another individual.
  - c. Behavior that is done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of a student to discourage him or her from remaining enrolled or provides reasonable cause for the student to leave the institution rather than submit to such acts.
  - d. Such activities may include but are not limited to the following:

- i. Excessive or involuntary use of alcohol
- ii. Paddling or physical abuse in any form
- iii. Creation of excessive fatigue
- iv. Kidnapping
- v. Degrading or humiliating games and activities

23. **Forgery:** The fraudulent creation of, alteration, destruction, misuse, or possession of University documents, including but not limited to University identification cards or records, without authorization. Violations include, but are not limited to, forgery of applications for financial aid, admission, course changes or course credit, copying, misuse or alteration of parking permits, or alteration or misuse of transcripts, or student identification cards.

24. **Unauthorized Use or Entry:** The unauthorized use, entry, or access to University premises or property without permission; entry or access to private premises or property without authorization.

25. **Gambling:** Playing games for money or other items of value on University premises without authorization; including but not limited to, card playing or other games of chance or skill for money or other items of value.

26. **Creation of Disturbances and/or Unauthorized Demonstrations:**

- a. The organization of, or participation in activities which violate University policies regarding use of University facilities and outdoor space.
- b. The instigation of a disturbance in violation of University policy and/or applicable local sound ordinance.
- c. See *Appendix D*

27. **Abuse of Computer or Communication Equipment:**

- a. Any violation of the University's Code of Computing Practices: Including but not limited to, the misuse of a University computer or a University computer network.
- b. Misuse of University communications equipment, including but not limited to the use of University phones, telephone services or equipment without consent of those responsible for their control or misuse of a personal phone or communications device on University premises or in connection with a University activity.
- c. See *Appendix E*

28. **Harboring Pets:** Harboring or bringing a pet on University premises in violation of University policy. (See *Appendix F*)

29. **Smoking and/or Tobacco Use:** Possession or use of tobacco products or electronic cigarettes on University property or in a University vehicle in violation of state law or University policy. (See *Appendix H*)

30. **Failure to Comply with Sanctions:** Failure to comply with Sanctions and/or requirements imposed as the result of a Student Conduct resolution under the Code of Student Life.

31. **Voyeurism:** Engaging in voyeurism and/or using electronic or other devices to make an audio, video, or photographic record of any person, without the person's prior knowledge or consent, where there is a reasonable expectation of privacy and such activity is likely to cause injury, distress, or damage to reputation, including, but not limited to, in such locations as showers, locker rooms or restrooms.

32. **Abuse of the University Student Conduct System:** Including but not limited to;

- a. Knowing falsification or misrepresentation of information presented to any Student Conduct authority.
- b. Interference with the conduct process through coercion, intimidation, threats, or bribery.
- c. Failure to promptly obey any mandate of any University Student Conduct authority.
- d. Failure to obey notice from an authorized University official to appear for a meeting or Administrative or Appeal Hearing as a part of the Student Conduct process.
- e. Initiation of a complaint with prior knowledge that information submitted is false.
- f. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.

33. **Violation of Law:** Any violation of any Arkansas state and/or federal criminal law.

34. **Failure to Comply:** Failing with orders or directives of University officials, University hearing bodies, University Police or any other law enforcement officers acting in the performance of their duties.

35. **Furnishing False Information:** Deliberately providing false or misleading information or reports to a University official, member of the faculty, staff, student, or law enforcement official acting in an official capacity.

36. **Encouraging and Enabling:** Any Conduct which encourages or enables illegal activity and/or a violation of the Code of Student Life by failing to confront the behavior or by implicitly condoning the behavior by their presence during the activity.

37. **Fraudulent Personal Identification:** Possession, use, attempted use, manufacture, or alteration of a genuine (not belonging to the possessor) or fraudulent personal identification document.

38. **Sexual Solicitation:** Engaging in sexual solicitation, prostitution, and/or the promotion of prostitution as defined by state or federal law.

39. **Violation of Any University Policies:** Failure to comply with any published rules, policies, or regulations including but not limited to University Housing Policy, Greek Life Social Policy, Registered Student Organization and Events Policy. It is the responsibility of the student to be familiar with all University policies that relate to appropriate behavior on campus.

40. **Identification of Students on Campus:**

- a. Students must retain and possess their issued student identification (ID) card while the student is registered at the University.
- b. All persons at events or on University property that is under the jurisdiction of the University shall identify themselves with an appropriate University official who has identified themselves. It is the responsibility of the students to truthfully identify themselves by giving their name and address and stating truthfully their relationship to the University and present some form of identification if requested.
- c. Students may not be in possession of Student ID cards belonging to any individual other than the person to whom the ID card was issued and may not use or attempt to use the ID card to falsely represent themselves.

If a violation of this Code is defined with reference to a particular law, regulation or policy, the definition shall include any amendments, as well as any successor or replacement law, regulation, or policy. A violation of this Code shall not include constitutionally protected activity. At all times this Code shall be implemented consistent with the University's core purpose of the advancement of knowledge, including fostering vigorous discussion among members of the University

Community, and consistent with First Amendment principles. This policy shall be implemented consistent with the Arkansas Student Due Process and Protection Act (Act 470 of 2023), codified at Ark. Code Ann. §§ 6-60-1401 - 1407, as well as the First Amendment to the U.S. Constitution, Art. 2, §§ 4 and 6 of the Arkansas Constitution, and Ark. Code Ann. §§ 6-60-1001 - 1010 and §§ 6-60-1401 – 1405 concerning expressive conduct.

## II. Respondent and Complainant Rights in the Student Conduct Process

Under the direction of the Chancellor, and subject to other University policies, the Vice Chancellor for Student Affairs (VCSA) has primary responsibility and authority for the administration of the Student Conduct process in response to alleged violations defined in Section I above. Further delegation of this authority may be made by the VCSA to the Dean of Students (DOS) and the Office of Student Accountability. The Dean of the Graduate School will be notified in all cases involving graduate students.

### A. Respondent Student's Rights: The Respondent's rights are as follows:

1. To have a pre-hearing conference with a University Hearing Officer designated by the VCSA.
2. To have written notice of the violation(s) and an outline of these rights prior to an Administrative Hearing. If additional alleged violations are brought, a further written notice must be forwarded to the Respondent.
3. To request, review, and have reasonable continuing access to the Administrative File at least seven (7) days prior to any Student Conduct Administrative or Appeal Hearing. The Hearing Officer will inform the Respondent of any new material included in the Respondent's Administrative File that is likely to be considered at the Administrative or Appeal Hearing.
4. To request and be provided Immediate or Delayed Administrative Hearing. To waive the right to be present at a Student Conduct Proceeding. All Respondents will be provided with the opportunity to waive, in writing, their right to attend their Student Conduct Proceedings. Respondents who waive their right to attend, in writing, shall not have a right to appeal. If a Respondent fails, without good cause, to respond to the communication, and if they are confirmed to have received the correspondence, the University will proceed with the Student Conduct Proceedings in the Respondent's absence.
5. To have a Fully Participating advisor throughout all of the Student Conduct Proceedings.
  - a. Students may be assisted by one advisor. An advisor or support person may be defined as: a friend, a family member, and a member of the University community or an attorney. It is the student's responsibility to request and obtain the services of an advisor/support person. University officials are neither required nor obligated to act as advisors/support persons and neither Administrative or Appeal Hearings will be scheduled based on advisor availability.
  - b. The advisor, upon request of the student, may advise the student concerning the preparation and presentation of their case and accompany the student to all Student Conduct Proceedings.
  - c. Any student who elects to have a Fully Participating advisor or support person may request that the advisor speak on their behalf throughout the Student Conduct Proceedings consistent with the provisions of Section I.C(VI) as described herein.
6. To request appellate review of the Hearing Officer's decision by the All-University Conduct Board via a live hearing, where the Respondent or their advisor may:
  - a. Make an opening and closing statement;
  - b. Present relevant evidence; and
  - c. Cross-examine adverse witnesses through an advisor.

The All-University Conduct Board is the final institutional authority.

7. To have the right for the Student Conduct Proceedings to be carried out free from conflicts of interest by ensuring that there is no comingling of administrative or adjudicative roles. (See *Appendix K*)
8. Unless the Respondent waives all or part of the notice, the Administrative Hearing will not be held fewer than seven (7) days from the date of the original charge communication.

## **B. Complainant Student's Rights**

Any person may report an alleged violation of Code of Student Life, whether the person reporting is the person alleged to be the Complainant of the offense. Only University of Arkansas Students who are defined as Complainants pursuant to Section A.3(IV) are afforded the following Rights:

1. To report violations of the Code of Student Life by a University of Arkansas student to the Office of Student Accountability at any point after an incident has occurred. To provide a detailed account of the Student Conduct Matter and submit any supplementary materials supporting an allegation for consideration by the Office of Student Accountability.
2. To request, review, and have reasonable continuing access to the Administrative File at least seven (7) days prior to any Student Conduct hearing. The Hearing Officer will inform the Complainant of any new material included in the Administrative File that is likely to be considered at the Administrative or Appeal Hearing. Individual portions of the Administrative File may be redacted if confidentiality of the evidence is required by law.
3. To have an advisor or support person Fully Participate in the process.
  - a. Complainants may be assisted by one advisor or support person which is defined as: a friend, a family member, and a member of the University community or an attorney. It is the student's responsibility to request and obtain the services of an advisor/support person. University officials are neither required nor obligated to act as advisors/support persons and Administrative or Appeal Hearings will not be scheduled based on advisor availability.
  - b. The advisor, upon request of the student, may advise the student concerning the preparation and presentation of their case and accompany the student to all Student Conduct Proceedings. The student is limited to the presence of one advisor.
  - c. Any student who elects to have a Fully Participating advisor or support person may request that the advisor speak on their behalf throughout the Student Conduct process consistent with the provisions of Section I.C(VIII) as described herein.
4. To be notified of the Student Conduct decision and request appellate review by the All-University Conduct Board where the Complainant or their advisor may.
  - a. Make an opening and closing statement;
  - b. Present relevant evidence; and
  - c. Cross-examine adverse witnesses through an advisor.
  - d. Complainants may elect not to appear or not to respond to questions asked during the hearing, although the Complainant should be aware that if they choose not to do so, that may have an impact on the outcome.

### III. Student Conduct Proceedings

#### A. Filing Complaints

Any University official, faculty member, staff member, student, or community member may file a verbal or written complaint against any student or Student Organization for a violation of the Code of Student Life. While action on a complaint of a violation is pending, the status of the student shall not be altered except for reasons outlined below, or as otherwise provided for in University policy. The University of Arkansas' ability to investigate reported incidents and enforce the University's policies depends on the accuracy and specificity of the information provided. Complainants, victims, and reporters are encouraged to provide as much specific detail (i.e. names, dates, times, location, nature of the behavior, etc.) as possible so that appropriate action may be taken. Complainants have the option to submit a report anonymously, though officials prefer contact information be provided for necessary follow-up. Should contact information not be provided, the University of Arkansas' ability to investigate and address the behaviors reported may be limited. To the extent possible, identity may be kept confidential. All individuals are encouraged to contact law enforcement immediately if they feel unsafe or threatened.

#### B. Presumption of Non-Responsibility – Standard of Proof

Subject to all other provisions of the Code or University policy, any student charged with an alleged violation under this Code shall be presumed "not responsible" for a violation until determined to be "responsible" by a preponderance of evidence or the student acknowledges responsibility of a violation of the Code; for a student to be found "responsible" for a violation, the evidence must indicate that it is more likely than not that a violation occurred.

#### C. Preliminary Investigation

1. Upon receipt of information that a student has allegedly violated University policies or local, state, or federal law, the Office of Student Accountability shall conduct a preliminary review of the complaint and may investigate the alleged violation. After completing a preliminary review and/or investigation the matter may proceed with the Student Conduct process consistent with the provisions of Section I.C(VIII) Student Conduct Proceedings as described herein.

Proceeding with the Student Conduct process may involve:

- a. Proceeding to informal resolution as described below; or
- b. Proceeding with the pre-hearing conference as described below; or
- c. Imposing an Interim Suspension or Supportive and Interim Measures as described below which will remain in effect pending a review by the appropriate University official; or
- d. Making a referral for Psychological Evaluation as described below; or
- e. The matter may be dismissed or closed due to insufficient evidence and/or determined not to be a violation of the Code of Student Life.
- f. Respondents will be notified at least twenty-four (24) hours before being questioned as part of the preliminary investigation, unless waived in writing by the Respondent.

#### D. Student Conduct Correspondence

Student Conduct correspondence regarding alleged violations of the Code of Student Life will generally be sent to the student's University email account or the most current address listed with the University Registrar's Office. However, the University reserves the right to use other reasonable means to notify students. Students involved within a Student Conduct Proceedings are responsible for checking their University email accounts on a regular basis.

#### E. Summoning a Respondent for a Pre-Hearing Conference

1. The Hearing Officer may formally summon a Respondent to appear for a pre-hearing conference in connection with an alleged violation by sending them a pre-hearing notification communication.
2. The pre-hearing notification communication shall outline the specific charges and shall instruct the Respondent of the date/time of a scheduled pre-hearing conference. If a Respondent fails to attend the scheduled pre-hearing, a reminder communication will be forwarded to the Respondent. This communication instructs the Respondent of a second scheduled appointment.
3. If a Respondent fails to attend the second appointment or to reschedule this appointment, the Respondent will be assumed to have waived the right to be present at a Student Conduct Proceeding and the Hearing Officer may proceed with the Administrative Hearing in the Respondent's absence. The hearing in absence will not be held fewer than five (5) business days from the date of the original charge communication.
4. Respondents will be notified at least twenty-four (24) hours before being summoned for a pre-hearing conference, unless waived in writing by the Respondent.

#### **F. Pre-Hearing Conference**

The following are the procedures that shall be followed during a pre-hearing conference.

1. The Hearing Officer shall explain the rights, responsibilities, and conduct procedures to the Respondent.
2. The Hearing Officer shall inform the Respondent of the following options for resolution of the alleged violations:
  - a. The Respondent may choose to accept, deny, or make no response regarding their responsibility for the alleged violation(s) in question. The Respondent's response to each alleged violation shall be recorded in the Administrative File. The Respondent may elect to change their response at any point prior to the conclusion of the Administrative Hearing.
3. The Hearing Officer shall inform the student of their ability to and request an immediate or delayed Administrative Hearing before the Hearing Officer.
  - a. If the Respondent requests an immediate administrative hearing, the administrative hearing is conducted during the same meeting as the pre-hearing conference.
  - b. If the Respondent requests a delayed Administrative Hearing, the hearing may be postponed for no more than (7) seven days.
  - c. The Hearing Officer is authorized to decline a request for an immediate administrative hearing if there is outstanding information that is necessary for the Hearing Officer to make a final determination regarding the outcome of the alleged violation(s).
  - d. The Hearing Officer is authorized to provide informal resolution for conflict resolution outside of the Student Conduct process, when appropriate, if all involved parties agree.
  - e. If a Respondent fails, without good cause, to respond to the charge communication sent under this section or attend the scheduled Pre-Hearing Conference, the Hearing Officer may proceed with the Student Conduct Proceedings (including any hearings) in the Respondent's absence.

#### **G. Administrative Hearings**

The purpose of an Administrative Hearing is to determine whether a Respondent is "responsible" or "not responsible" for violating the Code of Student Life. No later than five (5) business days from the date of an Administrative Hearing, a decision will be made based on available information, with or without the attendance of the Respondent, if efforts have been made to notify the Respondent consistent with this Code. If the Respondent fails to attend the Administrative Hearing and has not



participated in a pre-hearing conference wherein the Respondent has responded to the alleged violations, it will be assumed that the Respondent denies responsibility for all allegations. When a Respondent is found responsible and it is deemed appropriate, Sanctions will be imposed. If a Respondent fails to attend an Administrative Hearing, they will be notified in writing of the outcome. In situations where a Respondent is found “not responsible” for the charged violations, but the Hearing Officer concludes that the Respondent would benefit from an educational conversation with appropriate University officials, the Hearing Officer may require a Respondent to participate in such a conversation.

## **H. Charge Plus Sanction Communications**

For minor violations of the Code of Student Life, the VCSA or designee may utilize communications which notify students of the charge as well as a prescribed Sanction. Students receiving such communications will be afforded an Administrative Hearing upon request. If a student does not request an Administrative Hearing within a reasonable period of time, described in the communication, the student will be deemed to have accepted responsibility for the charge and agreed to the Sanctions as outlined in the communication.

## **I. Informal Resolution**

If the Hearing Officer determines that the facts of the complaint or report, even if true, may not constitute a violation of policy but may have caused harm to the community, the situation is sufficiently minor, or the Complainant requests the matter be resolved via informal resolution, the Student Conduct Administrator may attempt to resolve the matter using informal resolution methods including, but not limited to;

1. Attempt to resolve the situation through an educational conversation with involved parties, or a referral for an educational conversation with another University official; or
2. Perform an initial investigation to determine what charges should be brought against the Respondent and whether those charges could potentially result in Student Conduct action and determine to resolve those charges with an Educational Conversation; or
3. A student may receive a Policy Reminder letter in lieu of a meeting or charge letter. A policy reminder is a summary of the potential violation and reminder of the relevant policy in the Code of Student Life. No factual findings or decision about whether a policy violation occurred are made and no action is required on the part of the student.
4. A mutually agreed-upon informal resolution may be executed between a Complainant and Respondent, where such potential terms include but are not limited to:
  - a. Restrictions on contact; and
  - b. Restrictions on the Respondent’s participation in one or more of the University’s programs or activities or attendance of specific events; and
  - c. Restrictions the University could have imposed as educational Sanctions had the University determined that a violation of this Code occurred; and
  - d. Other similar or appropriate remedies
5. Any informal resolution shall be in writing and shall represent the final resolution of the case, unless one of the parties fails to adhere to the terms of the agreement.
6. If the Hearing Officer determines that an informal resolution cannot be agreed upon or if the parties do not agree to an informal resolution, the process is unsuccessful, or informal resolution is not appropriate due to the nature of the complaint, then the formal Student Conduct Proceedings will commence or resume.
7. If the parties do not fulfill the requirements of the informal resolution, the Hearing Officer will refer the matter to the Student Conduct process for formal review and possible adjudication.

## IV. Appeal Procedures

### A. Appeal of an Administrative Hearing Decision

In the event a Respondent, Complainant, or Student Organization disagrees with a finding of “responsible” or any other Sanction of provided as part of a Hearing Officer’s decision, the student or Student Organization is encouraged to submit a written notice of intent to appeal to the Office of Student Accountability within five (5) days of the Hearing Officer’s decision, and to schedule a pre-appeal meeting. Regardless of whether a written notice of intent to appeal has been submitted, all appeal materials must be submitted to the Office of Student Accountability within twenty-five (25) days after notification of the Hearing Officer’s decision. Appeals will be reviewed by the All-University Conduct Board.

### B. Scope and Grounds for Appeal

1. Appellate review shall be on the record in the case and does not include a right of additional Appeal Hearings or meetings on behalf of the student or Student Organization.
2. The function of the All-University Conduct Board in reviewing an appeal is that of reviewing the action of the Hearing Officer to determine if the appeal meets one of the four grounds listed below:
  - a. An alleged violation of the rights guaranteed of the student has occurred.
  - b. The Sanction(s) imposed are outside the University’s Sanction range for such violations and/or not justified by the nature of the offense.
  - c. New and significant evidence that was not available at the time of the hearing has developed which has a bearing on the outcome.
  - d. An objective assessment of the evidence under the preponderance of evidence standard does not support a finding of responsibility/non-responsibility
3. The Dean or Associate Dean of Student has the authority to deny a student’s or Student Organization’s case for an appellate review in the event that the appeal does not meet the below listed criteria:
  - a. Submitted all materials within the designated time frame (25 days from the date of the decision).
  - b. All appeals must be in writing, signed by the student or student representative of a Student Organization.
  - c. Selected one or more of the four (4) appeal grounds.
  - d. Provided a detailed discussion of the reasoning for the selected ground(s) for appeal and the student’s or Student Organization’s evidence to support the reasoning.
  - e. If the student or Student Organization elected, in writing, not to attend the Administrative Hearing pursuant to Section III(G) the student or Student Organization has waived their right to an appeal.

In the event of a permissible appeal, subject to all applicable University policies, the Sanctions (except interim action or interim suspension) will be put into effect only after the AUCB makes a decision, although Sanctions may be retroactive to the date of the alleged offense.

### C. Appeal Procedures

1. The Office of Student Accountability shall receive all appeal materials from a student or Student Organization within twenty-five (25) days of the Hearing Officer’s decision from student or Student Organization choosing to appeal. The student or Student Organization must submit all materials that they wish for the All-University Conduct Board to consider by the stated deadline. No additional materials will be accepted or considered upon the appeal deadline.

2. Upon receiving the appeal, The Office of Student Accountability shall compile the Administrative File of the student or Student Organization and provide the record to the student or Student Organization within seven (7) day of the Appeal Hearing. Such record shall include all relevant materials that pertain to the matter the student or Student Organization wishes to appeal and shall include a student's or Student Organization's prior Student Conduct history if applicable.
3. The Appeal Hearing will be scheduled within thirty (30) days, or as soon as possible thereafter, of receipt of all appeal materials from the student or Student Organization.
4. When a student or Student Organization requests an Appeal Hearing before the AUCB, the VCSA or designee serves as the advisor to the AUCB. A panel consisting of five members will be selected from a pool of members to hear each appeal. The chair casts the tiebreaking vote when necessary and, when applicable, assigns the Student Conduct Sanction(s) in accordance with the Code of Student Life. The make-up of each Appeal Hearing will consist of:
  - a. Chair – Faculty / Staff Member
  - b. Two University Faculty / Staff Members
  - c. Two University Student Members
  - d. Alternates – In instances where a University Staff/Faculty member or University Student member of the AUCB does not participate, an assigned alternate will serve as one of the five members of the AUCB.
5. The AUCB has original jurisdiction when a student or Student Organization requests an Appeal Hearing.
6. Duties of the VCSA or designee to the AUCB prior to an Appeal Hearing are, the VCSA or designee shall:
  - a. Consult the AUCB in setting the date, time, and place for the Appeal Hearing.
  - b. Assist the AUCB in summoning witnesses and preparing records that are provided to the AUCB.
  - c. The VCSA or designee shall notify the student or Student Organization by University email account or by communication of the date, time, and place for the Appeal Hearing. The Appeal Hearing notification communication shall specify an Appeal Hearing date not less than five (5) business days after the date of the communication. A student or Student Organization may request in writing that an earlier date be set, if feasible. The AUCB, for good cause, may postpone the Appeal Hearing and notify all interested persons of the new Appeal Hearing date, time, and place.
  - d. The communication described above shall direct the student or Student Organization to appear at a specified date, time, and place and inform the student or Student Organization that the case will be heard in absentia if she/he has failed to report within 15 minutes of the specified time and date and notify the student that the AUCB may question any witnesses and request a list of all witnesses if applicable.

#### **D. Procedural Standards for All-University Conduct Board Appeal Hearings:**

1. The student or Student Organization may be accompanied by one advisor or support person at the Appeal Hearing.
2. Seven (7) days prior to the Appeal Hearing, or as soon as practicable thereafter, the student or Student Organization will receive a copy of all the Appeal Hearing materials that shall be considered by the AUCB.
3. The AUCB will accept and review the Administrative File which shall include all submitted appeal materials. The AUCB chair will be the sole judge of admissibility of evidence.
4. The Hearing Officer will be invited to attend and summarize the case and the reasons supporting the original decision. If the Hearing Officer is unable to attend, they may provide a summary and rationale in writing to the AUCB.
5. A student or Student Organization may choose to present material witnesses to the AUCB for consideration at the Appeal Hearing, although the Appeal Hearing will not be scheduled

based on the student's witness(s) availability. Witnesses may participate electronically in the event that they are unable to be present in person. Additionally, the student or Student Organization may not present character or expert witnesses in person, such witness statement will only be accepted in the form of a written statement.

6. All participants at the Appeal Hearing are expected to provide truthful testimony.
7. Any member of the AUCB who has a personal interest in the particular case may not participate. In such cases in which a member cannot serve due to a conflict of interest, an alternate will serve as indicated above. If more than one member of AUCB does not participate, a temporary member may be appointed by the VCSA or designee. If the student requests an AUCB member step down due to a perceived personal interest and the AUCB member does not feel that said personal interest exists, the AUCB chairperson will make the final determination.
8. Following the Appeal Hearing the AUCB will render a decision. The AUCB shall approve, reject, or modify the decision rendered by the original Hearing Officer.
9. The decision of the AUCB shall be made within five (5) business days of the Appeal Hearing and the student(s) shall be notified of the outcome in writing. The decision rendered by the AUCB is final.
10. Joint Appeal Hearings: Complainant and Respondent appeals are held jointly and the decision made by the All-University Conduct Board is final. There will not be multiple Appeal Hearings or accommodations for either party that may be considered. Additionally, the Office of Student Accountability reserves the right to facilitate joint Appeal Hearings for cases that involve multiple students in the same Student Conduct Matter.
11. Appeals may be held in person or virtually, at the discretion of the Office of Student Accountability.

## V. Administrative Actions

Certain authorized individuals have the authority to impose interim administrative actions to protect the safety and welfare of members of the University community. Those professional staff members authorized to impose certain interim administrative actions are the VCSA or designees. All administrative actions, except for No Contact Orders, are subject to review by the Dean or Associate Dean of Students. Students who request a review must do so within three (3) business days of issuance of the administrative action notification; such review is subject to the availability of the Dean or Associate Dean of Students. During the review meeting, it will be determined whether the terms of the administrative action will be continued, modified, or terminated.

### A. Supportive and Interim Measures

1. In certain circumstances, authorized individuals may impose supportive and interim measures. These measures will be provided in the form of a Supportive/Interim Measure Letter. These letters will be delivered to a student's official University-provided e-mail account and may be delivered to the student in person.
2. A Supportive or Interim Measure may be instituted or offered to a student and shall be designed to restore or preserve equal access to the University's education programs or activities without unreasonably burdening the other student. Supportive and Interim Measures that burden a Respondent may be imposed only during the pendency of the Student Conduct Proceedings, and they must be terminated at the conclusion of those proceedings but may be replaced by authorized Sanctions if appropriate and determined as such by the Hearing Officer. These Supportive or Interim Measures must be no more restrictive of the Respondent than is necessary to restore or preserve the Complainant's access to the University's education program or activity.
3. A Supportive or Interim Measure may be designed to protect the safety of all involved individuals or the University's educational environment. The below listed Supportive Measures may be implemented, requested, or facilitated, whenever available, on behalf of the student. These may include, but are not limited to:
  - a. Extension of deadlines or other course-related adjustments;
  - b. Campus escort services;
  - c. Restrictions on access to University facilities;
  - d. Modification of class schedules or housing locations;
  - e. Increased security and monitoring of areas of the University's campus;
  - f. Counseling; and
  - g. Other similar services or restrictions.
4. Supportive or Interim Measures may be imposed in response to any alleged behavior that violates the Code of Student Life and/or has jeopardized the safety and welfare of members of the University community, and/or has caused a significant disruption to the University of Arkansas community. Any Supportive or Interim Measure imposed will be clearly presented to the Respondent and/or Complainant in the Supportive/Interim Measure Letter. If the Supportive or Interim Measure burdens the Respondent, the initial opportunity to seek modification or reversal of the University's decision shall be provided to the Respondent before the measure is imposed or, if necessary under the circumstances, as soon as possible after the measure has taken effect. The Complainant and Respondent affected by a Supportive or Interim Measure may also seek additional modification or termination if the circumstances changed materially.
5. If the student would like to seek modification or reversal of the conditions as outlined in the Supportive/Interim Measure Letter, it is the student's responsibility to request a review meeting

as directed in the letter within **3 business days** with the Dean or Associate Dean of Students. Students must comply with the terms of Supportive/Interim Measure Letter until a requested meeting occurs, during which the Dean or Associate Dean of Students will determine whether the outlined measures will be continued, modified, or terminated.

6. Following review of the terms, if modified, the student must comply with the modified terms until such time as a Hearing Officer considers the student's related Student Conduct Matter. The student's related Student Conduct Matter shall be resolved separately from the Supportive/Interim Measure and shall proceed consistent with the provisions of Section I(C) Student Conduct Proceedings as described herein.
7. For Supportive Measures other than those that burden a Respondent, the University may, as appropriate, modify or terminate Supportive Measures at the conclusion of the Student Conduct Proceedings or at the conclusion of the informal resolution process, or the University may continue them beyond that point when appropriate.
8. The University may inform a Complainant of Supportive Measures provided to or imposed on a Respondent only if necessary to restore or preserve that Complainant's access to the education program or activity and when permitted consistent with federal law.

## **B. Interim Suspension**

1. The University may remove a Respondent on an interim or emergency basis from its property and programs if the University:
  - a. Undertakes an individualized safety and risk analysis;
  - b. Determines that an immediate threat to the safety of a student or another individual arising from the allegations of misconduct justifies removal of the Respondent;
  - c. Provides the Respondent with notice and an opportunity to challenge the decision immediately following their removal; and
  - d. Within 24 hours of the emergency removal, the University shall provide written notice to the Respondent that explains the University's reasons for removing the Respondent on an emergency basis.
  - e. An Interim Suspension is an action requiring that a student immediately leave the campus and University property. It suspends the Respondent's participation in any classes or any other University activities. The VCSA or designee may impose an Interim Suspension prior to the conclusion of formal adjudication regarding the matter.
2. The Respondent will be notified of the Interim Suspension in the form of a letter which will be delivered to the Respondent's official University-provided e-mail account and may be delivered to the Respondent in person. This letter will explain the reasons for the Interim Suspension and the duration and any conditions that apply. A Respondent notified of an Interim Suspension will be provided the opportunity to attend a pre-hearing conference with a Hearing Officer to resolve the Respondent's related Student Conduct Matter. The Respondent's related Student Conduct Matter shall be resolved separately from the Interim Suspension and shall proceed consistent with provisions of Section V Student Conduct Proceedings as described herein.
3. Within **3 business days** of the written notice, unless otherwise waived by the Respondent, the University shall provide the student with the opportunity to contest the Interim Suspension. If the Respondent chooses to contest the Interim Suspension, it is the student's responsibility to request a review meeting with the Dean or Associate Dean of Students. Students must comply with the terms of the Interim Suspension until the requested meeting occurs.
4. At the review meeting, the Dean or Associate Dean of Students will determine whether there is substantial evidence that the emergency removal of the Respondent is appropriate to mitigate the risk.
5. In the review meeting, the removed Student may be represented by an attorney or a non-attorney advocate who may Fully Participate to the same extent as in an Administrative Hearing.
6. A Respondent's waiver of their right to be represented by an attorney or a non-attorney

advocate shall not constitute an admission of guilt or waive of additional rights under the Code.

7. Following review of the terms of the Interim Suspension, if modified, the student must comply with the modified terms of the Interim Suspension until such time as the student's related Student Conduct Matter is resolved consistent with the provisions of Section I(C) Student Conduct Proceedings as described herein.
8. The University may inform a Complainant of an Interim Suspension imposed on a Respondent only if necessary to restore or preserve that Complainant's access to the education program or activity and when permitted consistent with federal law.
9. Any student who is suspended on an interim basis and returns to the campus and University property or otherwise violates the terms of the Interim Suspension shall be subject to further Student Conduct action and may be treated as a trespasser on University property. Permission to be on campus for a specific purpose (e.g., to consult with the VCSA or designee or to participate in the Student Conduct Proceedings against the student) may be granted in writing by the VCSA or designee. A University of Arkansas Police escort is required for any student who is granted permission to be on campus.

### **C. Psychological Evaluation and Withdrawal for Medical Reasons**

#### **1. Initial Intervention**

In response to student health and safety reports, at-risk students will be required to meet with the VCSA or their designee. The goal of this meeting is as follows:

- a. To facilitate an intentional intervention and process whereby the student is offered support, resources and appropriate assistance needed.
- b. To provide a systematic method to assess, identify, and intervene when worrisome, threatening, or dangerous student behaviors are observed by members of the campus community.
- c. To establish and enforce student behavioral expectations, action plans, and remedies aimed at deterring future student involvement in at-risk behavior.

#### **2. Referrals for Psychological Evaluation**

If authorized individuals, as outlined herein, determine that a student should undergo a psychological evaluation, the student should be referred to the appropriate entity for such evaluation according to the guidelines outlined below:

- a. Those professional staff members authorized to make an administrative referral for a psychological evaluation are the VCSA or designee.
- b. Mandatory evaluation and withdrawal will be considered only in cases where there is threat of imminent danger to self, others or property, or disruption of the educational process and mission of the institution.
- c. All cases involving violation of the Code of Student Life will be referred
- d. through the University's conduct system except where, due to the student's
- e. psychological condition, the student is either:
  - i. Unaware of their actions;
  - ii. Unaware of the wrongful nature of their actions; or
  - iii. An Administrative Hearing is deemed inappropriate (e.g., student voluntarily withdraws or is unable to participate in a hearing). In such situations, the case will be processed utilizing the psychological evaluation withdrawal procedures. If it is determined that a student must also undergo an Administrative Hearing for violations of the Code of Student Life, the University will proceed consistent with the provisions outlined in Section V.E herein.
- f. When an authorized professional staff member has reasonable cause to believe that a student has severe emotional problems, and when there is reasonable cause to believe that a student's continued presence on campus would present a threat of imminent danger to self, others or property, or disruption of the educational process and mission of the institution, the staff member may direct the student to consult with the Director of Counseling and Psychological Services (CAPS) or their designee.

In the event of a student's refusal, interim action from the University may be invoked, including, but not limited to, automatic withdrawal.

- g. A student being required to undergo a mandatory evaluation by a licensed psychologist or psychiatrist will be notified in writing by the Dean of Students or their designee. This evaluation may be conducted by the University's consulting psychologist if the student is in the area. If the student has returned home, they may obtain an evaluation by a licensed psychologist or psychiatrist in their home area and must agree that the University can release pertinent information regarding precipitating events and areas of concern to this person. All evaluation reports are to be sent to the Dean of Students or their designee. The report will be available for the student to review with a member of the counseling center staff.
- h. Following the evaluation, the Director of CAPS or their designee may recommend that the student be withdrawn from the University to seek psychological/medical treatment if the student:
  - i. Presents a continued direct threat, and that such threat cannot be mitigated.
  - ii. Is suffering from a serious mental disorder that is being exacerbated in the campus environment.
  - iii. Is engaged in behavior which places them in serious medical jeopardy, producing conditions that cannot be treated effectively without leaving the University.
  - iv. Has violated, threatened to violate, appears likely to violate, has shown or manifested an intention to violate the law or institutional policies and appears to lack the capacity to respond to the discipline process, or does not appear to know the nature and wrongfulness of the alleged action.

### 3. Voluntary Withdrawal

- a. If withdrawal for medical reasons is recommended in these instances, the VCSA or designee will first work with the student to leave under a voluntary basis. One option to the student is for the student to agree to take a voluntary withdrawal. This withdrawal may be for an undetermined or specific period of time. If the student withdraws for medical reasons, charges or Sanctions for misconduct would be held in abeyance pending the student's successful completion of all guidelines for reinstatement. In resolving incidents in this manner, the Dean of Students would work directly with the student, their family, and their academic college to facilitate the withdrawal.
- b. When the student chooses to take a withdrawal for medical reasons, staff will not typically place a registration hold on the student's record. If necessary, re-enrollment actions from a withdrawal may be initiated through the Office of the Dean of Students and in consultation, where appropriate with Counseling and Psychological Services (CAPS). When the student re-enrolls, they will do so as a previously admitted student. It is understood that such voluntary withdrawal will be backdated to a time pre-dating the last date for dropping a course without a grade and that the student will automatically receive a W in all course work. The Registrar will also be directed to flag the student's file so that any readmission application will come to the attention of the VCSA and the Director of CAPS.

### 4. Mandatory Withdrawal

If the student does not voluntarily withdraw from the University and/or residence hall, the Dean of Students or their designee, staff of the counseling center and other appropriate University personnel will review the contents of the psychological evaluation report, and the VCSA or designee will render a written decision regarding mandatory withdrawal from campus. A student has the right to appeal this decision to the Chancellor and Provost, via a joint review process. Appeals must be submitted to the Chancellor and Provost in writing within five (5) business days of the date of the written decision. The decision of the Chancellor and Provost will be final.

- a. In cases where a student is subject to a Mandatory Withdrawal or has Voluntarily Withdrawn, guidelines for reinstatement will be given at the time of withdrawal. These guidelines will be determined by the Dean of Students in consultation with the appropriate



counseling center staff and will be maintained within the student's confidential Student Conduct records along with record of the Referral for Psychological Evaluation.

- b. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student is a result.

#### **D. No Contact Orders**

1. No Contact Orders (NCOs) are temporary directives issued by the Office of Student Accountability prohibiting communication between or among designated students. NCOs are issued when, in the judgment of the Director of the Office of Student Accountability, there is reason to believe that an order would be in the best interest of all parties and the community for promoting health, safety, or wellbeing of the community.
2. NCOs prohibit all forms of communication between designated students, whether direct or indirect, written, electronic or through a third party. Any violation of this directive may result in Student Conduct charges of failure to comply with the directives of an agent of the University acting within the performance of their duty. Additionally, violations of this directive may also result in an interim suspension from campus and/or University of Arkansas Police Department (UAPD) involvement.
3. The duration of a NCO is determined by the Office of Student Accountability, and students may request to have an NCO lifted after an appropriate sustained period of compliance.
4. NCOs are not similar to court imposed restraining order and/or order of protection and do not guarantee that designated parties will avoid sightings or involuntary interactions on the campus or local community, including but not limited to the academic environment. In some circumstances, a NCO may be applied in conjunction with Supportive or Interim Measures and/or as a Student Conduct Sanction, as part of the resolution of a student's conduct matter.
5. Students who are concerned about personal safety should contact the University of Arkansas Police Department at 479-575- 2222.

## VI. Authorized Student Conduct Sanctions

Any student found responsible for a violation outlined in the Code of Student Life will be subject to Student Conduct Sanctions, and they may expect more significant Sanctions relative to the severity of the offense and/or if found responsible on multiple occasions.

When a Hearing Officer has determined that a student has violated the Code of Student Life, Sanctions are fashioned in such a manner that will redirect the individual's inappropriate behavior, encourage responsible judgment and ethical reasoning, protect the community's property and rights, as well as affirm the integrity of the institution's conduct standards. Hearing Officers are authorized to impose any one or a combination of Sanctions appropriate to address the misconduct.

The primary types of Sanctions are listed below. While all Student Conduct Sanctions are a serious matter, the Sanctions of Suspension and expulsion are generally applied to more serious misconduct. Ordinarily, the Sanction of Suspension or expulsion will be implemented in matters where a student's actions:

- a. Threaten or harm the safety or property of the individual, members of the
- b. individual's organization, or other persons or entities (including the University);
- c. Persistently disrupts the University community; and/or
- d. Include multiple serious violations of the Code of Student Life.

However, other types of serious violations may warrant Suspension or expulsion, as well.

### A. Student Conduct Sanctions

1. **University Reprimand:** In cases of minor violations, students will be placed on a warning status for one (1) calendar year.
2. **University Censure:** A University Censure is a warning similar to, but more serious than, a University Reprimand. A student may be placed on University Censure for a specified period not to exceed a student's graduation.
3. **Conduct Probation:** This Sanction is imposed when a student's actions are found to be serious, but not serious enough to warrant Suspension or Expulsion. The Student Conduct authority shall indicate the length of the probationary period. A student who is placed on Conduct Probation is considered not to be in good standing with the University. In the event of a further violation of this Code while on Conduct Probation, the VCSA or designee will generally seek the penalty of Suspension. While on Conduct Probation, the student is prohibited from maintaining and/or obtaining a leadership position with any University of Arkansas affiliated organizations. In addition, the student can be restricted from certain University related activities (participation in registered Student Organizations, intramural athletics, varsity athletics, study abroad, etc.).
4. **Suspension:** Suspension involves withdrawal of enrollment privileges for a specified period of time and ordinarily carries with it conditions that must be met for re-enrollment. During the period of Suspension, the student may not come onto campus, except when specifically authorized in writing by the VCSA or designee. Failure to abide by this condition may result in arrest for trespassing and/or further Student Conduct Sanctions. Suspended students are not permitted to live or board in University facilities or approved Student Organization housing (i.e., facilities owned by the University and leased to a Student Organization). Re-enrollment after a Suspension requires that the student apply to the VCSA or designee at the close of the imposed Suspension period. The VCSA or designee determines whether the student has met the conditions imposed and is otherwise eligible for re-enrollment.
5. **Deferred Suspension:** Deferred Suspension is a status for a specified period during which time the student must comply with all Sanctions as directed by the Hearing Officers and their specified deadlines. Any subsequent finding of responsibility for any violation of the Code or University policy shall result in an immediate Interim Suspension. A student who is placed on Deferred Suspension is

considered not to be in good standing with the University. During a student's time on the status of Deferred Suspension, the student is prohibited from maintaining and/or obtaining a leadership position with any University of Arkansas affiliated organizations. In addition, the student can be restricted from certain University-related activities (participation in registered Student Organizations, intramural athletics, varsity athletics, study abroad, etc.). A student who is on the status of Deferred Suspension may also, at the discretion of the Hearing Officer, be prohibited from coming onto campus or attending University-related events outside of those which are mandatory for a student's academic requirements.

6. **Expulsion:** Expulsion is a permanent dismissal from the University.
7. **Educational Sanctions:** All consequences of conduct hearings are intended to be educational. In this context, however, the term "educational Sanctions" specifically describes those tasks, assignments, or experiences that a student is obligated to complete as a result of a Hearing Officer's decision. Educational Sanctions may be imposed in combination with or as a condition of any other Student Conduct Sanction. Educational Sanctions may, for example, require the Respondent to prepare letters of apology, to research an issue related to the offense, to attend a workshop, lecture, or meeting, to perform community service, or to attend counseling.
8. **Removal of Activity Privileges:** This option may be exercised if it is believed by the Hearing Officer that restricting or removing specified activities or privileges might be an effective educational Sanction. This approach may be particularly useful when the violation is related to a University activity, such as a fight during an intramural game or an alcohol violation at a University-sponsored event.
9. **Registration and Account Holds:** The VCSA or designee has the authority to place a hold or to request the Registrar or appropriate University Official to impose a hold on a student's account when a student fails to comply with assigned Sanctions. Account holds may restrict students from making changes to their accounts including, for example, restrictions on registering for classes or receiving a degree. Account holds shall remain in place until the student complies with the assigned Sanction(s).
10. **Restitution:** Restitution is a possible response to situations that involve destruction, damage or loss of property incurred because of a violation of the Code. When restitution is required, the Hearing Officer obligates the student to compensate a party or parties for a loss suffered as a result of the violation(s). If the Respondents are unable to make monetary restitution within the required reasonable time period, the Hearing Officer may arrange alternative means such as commensurate service and/or replacement.
11. **Removal from a Living Unit:** In imposing this Sanction, the Hearing Officer may require a student to vacate a particular residence hall, Greek living unit, or all University housing and facilities. For example, removal may separate students from environments where evidence suggests that adjustment has been difficult. Circumstances in the environment such as conflicts with supervising personnel, peer pressure, or an unwillingness to recognize and respect the rights of others may indicate a need for the use of this Sanction. Besides affirming the rights of other residents in the living unit, this Sanction may provide the offending student an opportunity to make a fresh start in a new setting.
12. **Continuance of Interim or Supportive Measures:** The University may, as appropriate, modify or continue Interim or Supportive Measures at the conclusion of the Student Conduct Proceedings or at the conclusion of the informal resolution process, or the University may continue them beyond that point when appropriate.

## VII. Student Conduct Records

---

### A. Record Retention

The Office of Student Accountability maintains all Student Conduct records in accordance with federal and state law and University policy. All Student Conduct records are generally archived seven years from the date on the conduct decision letter or in cases where no decision was rendered, the date the incident was reported. Cases that involve interim or administrative actions, Suspension records, and/or Expulsion records are retained indefinitely. Archived records may be inspected and/or released pursuant to qualifying record requests but will not be considered by a University Hearing Officer as a prior Student Conduct record.

### B. Request to Inspect Records

1. Students may have reasonable continuing access to their Administrative File and the ability to inspect and review all documents and evidence in their education record to the extent that those records include information directly related to them. To request review of the student's Administrative File, students must submit a request to inspect their record to the Office of Student Accountability, in writing, who will respond to a request for access within a reasonable time. Arrangement shall be made for the student to review their records. Accountability reserves the right to refuse the education records from being removed from the offices. Accountability does not allow unauthorized individuals to inspect education records, and the records may have certain information redacted pursuant to law.
2. AUCB Appeal Hearings are audio recorded. Audio recordings of these hearings will be made available to the applicable students for review in the Office of Student Accountability office suite in the presence of an Accountability staff member. Any audio recording that is made by the University may be listened to by the responding student, but not copied.

### C. Release of Student Conduct Records

Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), govern access to a student's conduct file. The Office of Student Accountability's student information and records are available to University officials or offices with a "legitimate educational interest" under FERPA. In addition, parent(s) may be notified if a student under 21 years of age is found responsible for a conduct violation involving use or possession of alcohol or other drugs. In absence of a health or safety emergency, disclosure of student information to third parties outside the University (including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies), except University contractors with legitimate educational interest, generally requires appropriate written permission from the student. A student can grant permission to any third party by completing the FERPA Release Form. This form may be obtained from the Office of Student Accountability. An exception to the foregoing is that which must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

### D. Student Conduct Holds

1. While the Student Conduct process is pending, the University may place a Student Conduct hold on the student's University account. The Student Conduct hold prohibits the student from registering for classes until the Student Conduct Proceedings, including the appeal procedures if requested, have been completed.
2. Students facing Interim Actions may have a hold placed on their account and may not be allowed to graduate, receive grades, or have transcripts released until the pending Student Conduct Proceeding(s) are resolved.
3. A Student Conduct hold may also be placed if a student fails to complete assigned Sanctions. The Student Conduct hold will not be removed until all Sanctions are successfully completed.
4. A Student Conduct hold shall be placed on a student's account if they are suspended as the outcome of the Student Conduct Proceedings. This Student Conduct hold prohibits a student from

registering for classes until the Suspension period is over, all terms of the Suspension have been met, and the student has reapplied and has been readmitted.

5. A Student Conduct hold is also placed on an expelled student's record, and this hold prohibits the student from enrolling at the University of Arkansas, Fayetteville indefinitely.

**E. Transcript Notation** Records of Student Conduct Suspension or Expulsion will be noted on the transcript. Designations of "Suspension" are recorded on the academic transcript during the period of Suspension. The Student Conduct Suspension will be removed only when a student has fulfilled all conditions for re-enrollment. If a student has been Expelled, the "Expulsion" designation remains on the transcript indefinitely. Transcript notation does not prohibit the student from transferring University credits to another institution.

**F. Certification of Compliance**

At the conclusion of the Student Conduct Proceedings, where the student has been suspended or expelled, the Vice Chancellor of Student Affairs shall certify that the substantial rights of the Complainant and Respondent as established in Act 470 of 2023 have been followed and the certification shall be maintained in the Administrative File.

**G. Petition for Expungement of a Student Conduct Record**

1. Student Conduct records may be expunged by the Office of Student Accountability at the directive of the Dean of Students. In certain circumstances described below, students or graduates may submit a petition to the Dean of Students to have their Student Conduct record expunged. For purposes of this provision, the term "expungement" refers to when a student's conduct record has been removed from the student's Administrative File and cannot be examined or released. (Note: Under this provision, the student's conduct record is only removed from the student's Administrative File. Reports and/or other correspondence relating to the underlying violation that are maintained by other University departments, local and/or campus police, or another reporting agency are not subject to this removal provision.) Student Conduct record expungement will only be considered for students who did not receive an Interim/Supportive Measure, Interim Suspension, Suspension, or Expulsion, as these records are maintained indefinitely. Petitions for conduct record expungement shall be reviewed by the Dean of Students or designee. All requests must be submitted in writing and must include a copy of the student's transcript. A petition for record expungement may not be made prior to one year after the date of the student's last finding of responsibility. A student is eligible to petition for record expungement if:
  - a. At the time of consideration, the student is within 30 hours of graduation and has achieved senior standing or has already graduated. The student may submit an earlier petition if they can demonstrate with documentation that they are applying to professional or graduate schools or if there are other meritorious reasons that justify an early review of the student's record;
  - b. The student is in good academic standing;
  - c. The student has remained free from any new Student Conduct Matters; and
  - d. The student has completed all Sanctions, on time, by the deadline provided by the hearing officer or AUCB.
2. A student is NOT eligible for record expungement if:
  - a. The student was subject to Suspension, Expulsion, or administrative actions, or if further violations would likely result in Suspension or expulsion from the University;
  - b. The nature of the violation(s) caused personal injury or significant property damage, endangered the health, safety, or welfare of any individual, and/or violated the campus policies regarding weapons, sexual misconduct, sexual harassment, or discrimination; or
  - c. The record is precluded from expungement as designated by state and/or federal law.

## VIII. Selection and Composition of the All-University Conduct Board

1. The pool of possible AUCB members may consist of up to twenty undergraduate student members and twenty graduate student members, twenty faculty members and twenty staff members (must possess a master's degree or terminal degree), as well as alternates.
2. The Chairperson will be chosen from among the pool of faculty or staff members and will receive appropriate training to fulfill the duties of the role.
3. All faculty and staff members will be eligible to act as Chair of an AUCB appeal panel if they have participated in AUCB training.
4. When an Appeal Hearing is convened from the pool of available board members, a quorum is fulfilled when five members are present and chaired by a faculty or staff member. There will be no fewer than two faculty/staff members on any appeal panel. There will be no fewer than two student members on any appeal panel unless:
  - a. The student member requirement is waived by the student; and
  - b. When a seated student does not participate, the alternate panel member is a representative from the staff/faculty pool.
5. Undergraduate members may only serve on appeal panels concerning undergraduate students. Graduate students may serve on both graduate and undergraduate appeal panels.
6. AUCB Members shall be selected as follows:
  - a. The faculty members making up the possible pool of AUCB chair members shall be appointed by the Chair of the Campus Faculty. Accountability may submit the names of interested faculty members to the Chair of the Committee on Committees for consideration for appointment. In making appointments, the Chair of the Campus Faculty and the Chair of the Committee on Committees shall give consideration to the appointment of both nine-month and twelve-month faculty. Faculty members shall be appointed annually (on an as-needed basis) to serve three-year terms. Faculty members are eligible to reapply for additional terms as indicated above. The staff members will be selected by the Director of Student Accountability through an application and interview process. Staff members will be confirmed by the chair of the Staff Senate.
  - b. The students named to AUCB should represent the diverse population of the University community. The following procedures for selection shall be followed:
    - i. Applications for all AUCB membership will be submitted to the Office of Accountability.
    - ii. The VCSA or their designee will conduct interviews for graduate and undergraduate student members of the AUCB. A representative of the ASG (appointed by the ASG President) may be part of the interviewing team for undergraduate students. The Graduate Dean and Graduate Dean's Student Advisory Board representatives may review recommended graduate student candidates' applications for confirmation of membership.
    - iii. The Director of Student Accountability will make a recommendation to the VCSA for Student Affairs.
    - iv. Undergraduate members will be chosen who meet the following minimum qualifications: (a) a cumulative GPA of not less than 2.5 that will be maintained throughout the duration of a student's participation; (b) good Student Conduct standing with the University; and (c) a minimum of 12 hours of course work completed at the University.
    - v. Graduate student members will be chosen who meet at least the following minimum qualifications: (a) a cumulative GPA of not less than 3.00 that will be maintained throughout the duration of a student's participation; (b) in good standing with the University; and (c) current enrollment in a graduate degree program.
    - vi. Student members shall serve one-year terms, and are eligible to serve additional terms with re-application, appointment and approval as indicated above.
7. When a case involves a graduate student, the appeal panel will consist only of graduate student members.
8. Ad Hoc Appeal Panels: When circumstances such as University holidays, summer terms or lack of member availability due to heavy caseload render an Appeal Hearing by a regular appeal panel impractical, the DOS or designee may convene an ad hoc appeal panel. The membership of the appeal

panel shall be approved by the DOS or their designee. When possible, the ad hoc appeal panel will include current AUCB representatives. Ad hoc appeal panels should also include staff, undergraduate and graduate student representation when the case involves a graduate student. When convened, the ad hoc appeal panel shall assume the authority equal to the regular appeal panel that otherwise would have heard the appeal.

9. Members of the AUCB become active members after receiving training through the Office of Student Accountability.

## IX. Student Organization Conduct Process

### A. Student Conduct Regulations for Student Organizations

Officers and members of Student Organizations are expected to know and abide by all regulations for Student Organizations and for students in general.

Some recognized Student Organizations are affiliated with state, regional, national, or international organizations. Many of these governing groups have developed position statements on hazing and other forms of organizational misconduct. The University may report alleged violations of University regulations by Student Organizations to the Student Organization's governing body or affiliated organizations and may work collaborative with those entities to come to a mutually agreed upon resolution.

### B. Student Organizations and the Code of Student Life

The University's established procedure for considering alleged violations of University regulations by individual students is outlined in the Code of Student Life. Individual student misconduct that occurs during the participation in an activity sponsored or engaged in by a Student Organization does not eliminate the individual student's responsibility under the misconduct provisions of the Code of Student Life.

Individual students are held accountable for actions taken while participating in a Student Organization's activity. This does not eliminate the accountability of the Student Organization for its actions. The University holds Student Organizations accountable for acts taken by the organization that violate the misconduct provisions outlined in the Code of Student Life Section I, Student Standards of Conduct, in addition to any violations of Student Organizational regulations outlined within other University or departmental-related policies.

The following administrative procedures will be used to address alleged misconduct by Student Organizations.

### C. Filing a Complaint

1. Any academic or administrative official, faculty member, staff member, student, or community member may file a verbal or written complaint with the Office of Student Accountability against a Student Organization for a violation of the Code of Student Life.
2. The University of Arkansas' ability to investigate reported incidents and enforce the University's policies depends on the accuracy and specificity of the information provided. Complainants, victims, and reporters are encouraged to provide as much specific detail (i.e., names, dates, times, location, nature of the behavior, etc.) as possible so that appropriate action may be taken. Reporters have the option to submit a report anonymously, though officials prefer contact information be provided for necessary follow-up. Should contact information not be provided, the University of Arkansas' ability to investigate and address the behaviors reported may be limited. To the extent possible, identity may be kept confidential. All individuals are encouraged to contact law enforcement immediately if they feel unsafe or threatened.
3. While action on a complaint of a violation is pending, the status of the Student Organization shall not be altered except for reasons outlined below, or as otherwise provided for in University policy.

### D. Presumption of Non-Responsibility – Standard of Proof

Subject to all other provisions of the Code or University policy, any Student Organization charged with an infraction under this Code shall be presumed "not responsible" for a violation until determined to be "responsible" by a preponderance of evidence; for a Student Organization to be found responsible for a violation, the evidence must indicate that it is more likely than not that the violation occurred.



### **E. Preliminary Investigation**

When The Office of Student Accountability receives information that a Student Organization has allegedly violated University policies or local, state, or federal law, the Office of Student Accountability shall investigate the alleged violation. After completing a preliminary review of the complaint, within seven (7) business days, or as soon as possible thereafter, the DOS or designee may dismiss the allegation or may proceed with the Student Organizational conduct process as outlined below and notify the office the Student Organization reports to directly and/or is housed within of actions to be taken.

1. Proceeding with the Student Organizational conduct process may involve:
  - a. The DOS or Designee reserves the right to impose an Interim Action at any point as described below which will remain in effect pending full investigation and resolution through the Student Conduct process.
  - b. A Charge Plus Sanction Communication Letter that is the result of a collaborative review by an Office of Student Accountability and the Student Organization's affiliated and/or governing organization.
  - c. An Administrative Hearing with an Office of Student Accountability Hearing Officer
2. Prior to the filing of formal charges, the Office of Student Accountability shall notify the Student Organization's president and primary and/or chapter advisor of record of the allegations and shall request an investigative meeting. Prior to the meeting, the Office of Student Accountability will instruct the chapter president or other officer designated by the chapter advisor to gather information regarding the allegation(s). As part of the preliminary review, the Office of Student Accountability requires that the Student Organization conduct interviews with officers and other individuals, including members of the Student Organization who might have pertinent information relating to the alleged misconduct by the Student Organization and are deemed relevant to the inquiry by the Office of Student Accountability. Additionally, the Office of Student Accountability requires the Student Organization to arrive at the investigative meeting prepared to inform the Office of Student Accountability as to how the Student Organization has responded to the incident(s) in question and what plans have been developed to deter future violations. Notwithstanding the findings of the Student Organization, the Office of Student Accountability reserves the right to formally address the matter as it deems necessary.

### **F. Charge Plus Sanction Communication**

When appropriate, and/or in collaboration with a Student Organization's affiliated and/or governing organization, the DOS or designee may utilize communications which notify the Student Organization of the charges as well as the prescribed Sanction(s). Student Organizations receiving such communications will be afforded a hearing upon request. If a Student Organization does not request a hearing within five (5) business days, as described in the communication, the Student Organization will be deemed to have accepted responsibility for the charge and to have agreed to the Sanctions as outlined in the communication.

### **G. Pre-hearing Conference**

1. If the preliminary investigation indicates that there is reasonable cause to believe that misconduct has occurred on the part of a Student Organization, the Office of Student Accountability may levy formal charges.
2. These charges will be specifically outlined in a letter addressed to the president of the Student Organization, with a copy to the Student Organization's advisor. This letter shall be emailed to the Student Organization's president of record and the Student Organization's advisor of record, as maintained and supplied by the office to which the Student Organization directly reports (i.e., RSO Office, Greek Life, Club Sports, etc.).
3. The letter shall also include a time, date, and place for a pre-hearing conference with the Director of the Office Student Accountability or their designee, to be held no sooner than five (7) days from the date of the letter. If the designated representative of the Student Organization fails to attend the scheduled pre-hearing meeting, a reminder communication will be forwarded to the Student

Organization's president and advisor. This communication will inform the Student Organization of a second scheduled appointment.

4. If the Student Organization fails to attend its second appointment, the Hearing Officer will proceed with the Administrative Hearing in the Student Organization's absence. The hearing in absence will not be held fewer than seven (7) days from the date of the original charge communication.
5. The purpose of the pre-hearing conference is for the Director of Student Accountability or their designee to explain the rights, responsibilities, and conduct procedures to the accused Student Organization. The pre-hearing conference provides an opportunity for the Student Organization to discuss the charges with Accountability. The Student Organization must be represented at this conference by one or more of its officers. The advisor may attend the pre-hearing conference in an advisory capacity only; however, one of the student officers must be designated as the official spokesperson for the Student Organization.

#### **H. Administrative Hearings**

The purpose of an Administrative Hearing is to determine whether the Student Organization is "responsible" or "not responsible" for violating the Code of Student Life. No later than seven (7) days from the date of an Administrative Hearing, a decision will be made based on available information, with or without the attendance of the Student Organization, provided that efforts have been made to notify the Student Organization of the Administrative Hearing. In the event the Student Organization fails to attend its pre-hearing conference, the presumption of the Office of Student Accountability and the Hearing Officer will be that the Student Organization denies responsibility for all allegations. Hearings in the absence of a Student Organization will be conducted and decided by a Hearing Officer.

When a Student Organization is found "responsible" and Sanctions are deemed appropriate, Sanctions will be imposed by the Hearing Officer. If a Student Organization fails to attend a hearing, the president of record and the Student Organization's primary advisor of record will be notified in writing of the outcome of the hearing. Accountability will send a copy of that written notification to the University department in which the Student Organization is housed or to which the Student Organization reports. In situations where a Student Organization is found "not responsible" for the charged violations, but the Hearing Officer concludes that the Student Organization would benefit from an educational conversation with appropriate University officials, the Hearing Officer may require a Student Organization to participate in such a conversation.

#### **I. Administrative Action**

When, in the sole discretion of the University, an allegation against a Student Organization gives reasonable cause to believe that the Student Organization represents a threat to the safety, security, or welfare of the University community, causes a significant disruption to the University of Arkansas community, and/or is an obstruction to accomplishing the University's mission, immediate administrative action may be warranted. Under such circumstances, the DOS or their designee has the authority to immediately suspend all or some activities of the accused Student Organization. Any restrictions outlined will be clearly presented to the Student Organization in the form of an Administrative Action Letter. All Administrative Actions are subject to review by the Dean or Associate Dean of Students. Student Organizations that request a review must do so within three (3) business days of issuance of the Administrative Action notification. In the case of Administrative Actions, the University will make reasonable efforts to implement the procedures outlined above for considering a complaint as quickly as is feasible under the circumstances.

#### **J. Appeal Procedures**

The decision rendered in a hearing shall be final, subject only to the Student Organization's right of appeal pursuant to the Code of Student Life Section IV.

#### **K. Student Conduct Records for Student Organizations**

1. Records maintained for Student Organizations are matters of public record and are in the Office of Student Standards and Conduct. All information pertaining to individual students is protected by

FERPA and subject to redaction prior to release.

2. Student Conduct records for individual students are confidential and are not made available to unauthorized persons except upon consent of the student or as otherwise provided by law, including the Family Education Rights and Privacy Act (FERPA).
3. Student Conduct records for all Student Organizations are retained for seven years after the date on the conduct decision letter, at which point the record is archived, with the exception of cases that involve administrative actions, which are maintained indefinitely.

#### **L. Authorized Student Conduct Sanctions**

Sanctions assessed will list the length of time for the Student Conduct standing, the specific privileges to be forfeited and length of privilege revocation (unless indefinite), and any and all other conditions established as a part of the Sanction. Student Conduct Sanctions are fashioned in a manner that will redirect the Student Organization's inappropriate behavior, encourage responsible judgment and ethical reasoning, protect the community's property and rights, and affirm the integrity of the institution's Conduct standards. The DOS, or their designees, as applicable, is authorized to impose any one or a combination of Sanctions appropriate to address the Student Organization's misconduct. Generally, the Sanction of Revocation of University Registration will be implemented in matters where a Student Organization's actions:

Threaten or harm the safety or property of the individual, members of the individual's organization, or other persons or entities; and/or

- i. Persistently disrupt the University community; and/or
- ii. Include multiple serious violations of the Code of Student Life.
- iii. However, other types of serious violations may warrant a temporary or indefinite revocation of registration rights as well.

#### **1. Student Conduct Sanctions**

- i. **University Censure:** A University Censure is a warning. A Student Organization may be placed on University Censure for a specified period of time.
- ii. **Conduct Probation:** This Sanction is imposed when a Student Organization's actions are found to be serious, but not serious enough to warrant Revocation. The Student Conduct authority shall indicate the length of the probationary period. In the event of a further violation of this Code while on Conduct Probation, the DOS or designee will generally seek the penalty of Revocation.
- iii. **Revocation of University Registration:** A process whereby the University revokes the rights and privileges of a Registered Student Organization (RSO). Rescission involves removal of registration privileges for a specified period of time (temporary or indefinite) and may carry with it conditions that must be met prior to the Student Organization's reinstatement to campus. During the period of Rescission, the Student Organization may not formally or informally gather past or current members on campus, register as an RSO, utilize any University of Arkansas-owned property, or recruit new members. Failure to abide by this condition may result in arrest for trespassing and/or further Student Conduct Sanctions. A Student Organization's return to campus after a Rescission requires that the Student Organization apply to the DOS for reinstatement at the close of the imposed period. The DOS determines whether the Student Organization has met the conditions imposed and is otherwise eligible for return. These records are maintained indefinitely.
- iv. **Educational Sanctions:** All consequences of conduct hearings are intended to be educational. In this context, however, the term "educational Sanctions" specifically describes those tasks, assignments, or experiences that a Student Organization is obligated to complete as a result of a Hearing Officer's decision. Educational Sanctions may be imposed in combination with or as a condition of any other Student Conduct Sanction. Educational Sanctions may, for example, require the Student Organization to attend a workshop, lecture, or meeting, to perform community service, or to conduct training for the Student Organization's members.
- v. **Removal of Activity Privileges:** This option may be exercised if it is believed by the Hearing Officer that restricting or removing specified activities or privileges might be an effective

educational Sanction. This approach may be particularly useful when the violation is related to a University activity, such as a fight during an intramural game or an alcohol violation at a University-sponsored event.

- vi. **Restitution:** Restitution is one likely response to situations that involve medical expenses or destruction, damage or loss of property incurred as a result of a violation of the Code. When restitution is required, the Hearing Officer obligates the Student Organization to compensate a party or parties for a loss suffered as a result of the violation(s). If the Student Organization is unable to make monetary restitution within the required reasonable time period, the Hearing Officer may arrange alternative means such as commensurate service and/or replacement.
- vii. **Removal from a Living Unit:** In imposing this Sanction, the Hearing Officer may require a Student Organization to vacate a particular residence hall, Greek living unit, or all University facilities.

## X. Appendices

---

[Appendix A: Campus Policy on Discrimination](#)

[Appendix B: Campus Policy on Sexual Assault and Sexual Harassment](#)

[Appendix C: Use of Alcoholic Beverages on University Facilities Board Policy & Campus Policy](#)

[Appendix D: Free Speech and Expressive Activities](#) (Ark. Code Ann. §§ 6-60-1001 – 1010 and §§ 6-60-1401 – 1405)

1. [Board Policy 220.1](#)
2. [Board Policy 705.1](#)
3. [UASP 715.1](#)
4. [Fayetteville Policy 708.0](#)
5. [Fayetteville Policy 723.0](#)

[Appendix E: Code of Computing Practices](#)

[Appendix F: Prohibition of Pets](#)

[Appendix G: Firearms and Other Weapons](#)

[Appendix H: Tobacco Policy](#)

[Appendix I: Inclement Weather Policy](#)

[Appendix J: Hazing Policy](#)

[Appendix K: Arkansas Student Due Process and Protection Act](#) (Act 470 of 2023), codified at Ark. Code Ann. § 6-60-1401