



UNIVERSITY OF  
ARKANSAS

OFFICE OF STUDENT  
STANDARDS AND CONDUCT

2019-2020

# The Code of Student Life

Student Conduct and Disciplinary Proceedings

# Student Conduct and Disciplinary Proceedings

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## **A. Identification of Students on Campus**

1. Each student is issued a photo ID card, which must be retained while the student is registered at the university.
2. In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons at events or on property under the jurisdiction of the University shall identify themselves to an appropriate institutional representative who has identified themselves. The student identifies themselves by giving their name and complete address and stating truthfully their relationship to the University. A person may be asked to present some form of identification.
3. If any person refuses or fails upon request to present evidence of their identification, and it appears reasonable that the person has no legitimate reason to be on the campus or in the facility, the person will be ejected from the campus or facility.
4. Any person who alters or intentionally mutilates a University ID card, or who allows another to use their ID card will be subject to disciplinary action.
5. An ID card is subject to confiscation by an agent of the University when acting in the performance of their duty if:
  - I. The ID card is in the possession of an individual other than the person to whom the ID card was issued and this person is attempting to use the ID card to represent themselves as a registered student, or,
  - II. The ID card is presented by the person to whom it was issued but it is not valid for the current term of registration, and the individual uses the ID in an attempt to access university services for duly registered students.

## **B. Student Standards and Conduct**

Students share the responsibility for maintaining an environment in which the rights of each member of the academic 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 academic community are respected. When asked to report to any University office in conjunction with a disciplinary matter, a student is expected to appear at the time specified or to arrange another appointment. Any student found responsible for a violation outlined in the Code of Student Life is subject to disciplinary sanctions, and they may expect more significant sanctions relative to the severity of the offense and/or if found responsible on multiple occasions.

Notwithstanding actions taken by state or federal authorities, or private litigants, the VCSA or designee may initiate disciplinary proceedings as outlined below against a student or student organization that is suspected of violating or attempting to violate this Code or other applicable University rules or governing laws, including the following:

1. Physical Abuse, including, but 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 includes 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.
  - I. 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.
  - III. 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 from

that person's act under the domestic or family violence law of the jurisdiction in which the crime of violence occurred.

3. Harassment or threats by means other than the use or threatened use of physical force. Harassment is defined as any unwelcome conduct physical, verbal, graphic, written, or electronic or otherwise with the purpose to harass, annoy, or alarm another person, without good cause; and/or engages in conduct or repeatedly commits an act that alarms or seriously annoys another person and that serves no legitimate purpose; or places a person under surveillance for no purpose other than to harass, alarm, or annoy; and/or communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication, in a manner likely to harass, annoy, or cause alarm.
4. Coercion: compelling or inducing another person to engage in conduct or refrain from engaging in conduct, including, but not limited to, threats or instillation of fear.
5. Conduct that interferes with the operations of the University. Such conduct includes but is not limited to disruption or obstruction of teaching, research, administration, or other University activities. (*See Appendix D*)
6. Conduct that endangers the health or safety of any person.
7. Discrimination against any member of the University community or visitor, or in connection with any University activity, through offensive behavior of a biased or prejudicial nature related to an individual's personal characteristics, such as but not limited to race, color, national origin, sex, religion, disability, age or sexual orientation. Such conduct includes, but is not limited to, conduct that violates the University's policies prohibiting discrimination. (*See Appendix A*)
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:
  - I. 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.
  - II. 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.
  - III. 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

- IV. Based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.
- V. (*See Appendix B*)

- 9. Sexual Misconduct: Any sexual activity or attempt to engage in sexual activity, that does not involve the knowing consent of each individual 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, as long as 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. 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 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.

In Sum:

- Silence does not equal consent.
- Lack of verbal resistance does not constitute consent.
- Lack of physical resistance does not constitute consent.
- There is no consent when there is force, coercion, intimidation, threats or duress.
- Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.

- Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- A prior sexual relationship does not indicate current or future consent.
- Minor cannot give consent.
- Physically or mentally incapacitated persons cannot give consent.
- Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

Sexual Misconduct includes, but is not limited to:

- a) Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This includes the rape of both males and females.
- b) 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.
- c) Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.
- e) 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 in non-consensual circumstances; Inducing another to expose their genitals; Sexually based stalking and/or bullying may also be forms of sexual exploitation.

10. Stalking, defined as 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 including, but 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 or destruction of property.
13. Attempted or actual theft or unauthorized use of any property or services.
14. Possession of firearms or other weapons, or use or attempted use of any item as a weapon. (*See Appendix G*)
15. 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 or 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 propriety.
17. Use or possession of a controlled substance, narcotic, drug paraphernalia, or counterfeit controlled substance, as defined under state or federal law.
18. Use or possession of prescriptions medication other than for the person prescribed, and/or for use other than the prescribed purpose.
19. 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, including, but not limited to the below listed behaviors as well as any behavior prohibited by
  - I. Unauthorized use, abuse, or interference with fire protection equipment or safety equipment which could result in death, injury or substantial property damage.
  - II. Intentional setting off of false fire alarms.



- III. Bomb threats or similar threats involving dangerous devices or substances.
  - IV. Behavior which constitutes a significant fire hazard.
  - V. Unauthorized possession or use of any material or substance which constitutes a significant health hazard.
  - VI. Intentional tampering with or damage to university facility doors, locks, or other entrances and/or exits.
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- 21. Possession or use of any explosive device or material, including but not limited to, firecrackers, cherry bombs, bottle rockets and dynamite, without express authorization by an authorized University official.
  - 22. Possession or use of any dangerous or prohibited chemical without express authorization by an authorized university official.
  - 23. Hazing, including, but not limited to, actions designed or with the effect of producing mental or physical discomfort, embarrassment, harassment, or ridicule or interfering with academic achievement. 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
  - 24. Forgery, 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.
  - 25. Possession, duplication or use of keys to any University premises without authorization; entry or use of University premises without permission.
  - 26. Gambling 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.
  - 27. Organization or participation in activities which violate University policies regarding use of University facilities and outdoor space. (*See Appendix D*)

28. 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. (*See Appendix E*).
29. Instigation of a disturbance in violation of University policy and/or applicable local sound ordinance.
30. Misuse of University telephones, telephone services or 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.
31. Harboring or bringing a pet on University premises in violation of University policy. (*See Appendix F*).
32. Smoking 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*)
33. Failure to comply with sanctions imposed under the Code of Student Life.
34. 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.
35. Abuse of the University disciplinary system, including but not limited to:
  - I. Knowing falsification or misrepresentation of information presented to any disciplinary authority.
  - II. Interference with the conduct process through coercion, intimidation, threats or bribery.
  - III. Failure to promptly obey any mandate of any university disciplinary authority.
  - IV. Failure to obey notice from an authorized University official to appear for a meeting or hearing as a part of the student conduct system.
  - V. Initiation of a complaint with prior knowledge that information submitted is false.
  - VI. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
36. Any violation of University of Arkansas Housing policies and procedures. (*See Section III*)

37. Any violation of any Arkansas state and/or federal criminal law.
38. Failing to comply 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.
39. Furnishing false or misleading information to a member of the faculty, staff, student, or law enforcement official acting in an official capacity.
40. 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.
41. Tampering with the election of any University-recognized student organization.
42. Possession, use, attempted use, manufacture, or alteration of a genuine (not belonging to the possessor) or fraudulent personal identification document.
43. Sexual solicitation, prostitution, and/or the promotion of prostitution as defined by state or federal law.
44. Violation of any published University policies, rules, or regulations. It is the responsibility of the student to be familiar with all university policies that relate to appropriate behavior on campus.

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 Arkansas Code. Ann. §§ 6-60-1001 through 1010.

## **C. Disciplinary Proceedings**

1. Filing Complaints
  2. Presumption of Non-Responsibility – Standard of Proof
  3. Preliminary Investigation
  4. Disciplinary Correspondence
  5. Summoning a Student for a Pre-Hearing Conference
  6. Pre-Hearing Conference
  7. Administrative Hearings
  8. Charge Plus Sanction Communications
  9. Proceedings for Cases Involving Sexual Misconduct
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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 student conduct in response to violations defined in Section B above. Further delegation of this authority may be made by the VCSA to the Dean of Students (DOS). The Dean of the Graduate School will be notified in all cases involving graduate students.

### **1. Filing Complaints**

- I. Any academic or administrative official, faculty member, staff member, student, or community member may file a verbal or written complaint with the Office of the Dean of Students against any student or student organization for a violation of the Code of Student Life.
- II. 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.

### **2. Presumption of Non-Responsibility – Standard of Proof**

- I. Subject to all other provisions of the Code or University Policy, any student 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 to be found responsible for a violation, the evidence must indicate that it is more likely than not that a violation occurred.

### **3. Preliminary Investigation**

- I. When the VCSA or designee receives information that a student has allegedly violated University policies or local, state, or federal law, the VCSA or designee 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 VCSA or designee may dismiss the allegation or may proceed with the disciplinary process as outlined in the Code. Proceeding with the disciplinary process may involve:

- a. Imposing an Interim Suspension or an Interim Action as described below which will remain in effect pending a review by the appropriate University official.
- b. Making a Referral for Psychological Evaluation as described below or
- c. Proceeding with the pre-hearing conference as described below.

**4. Disciplinary Correspondence**

- I. Disciplinary 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 with a University disciplinary matter are responsible for checking their university email accounts on a regular basis.

**5. Summoning a Student for a Pre-Hearing Conference**

- I. The VCSA or designee may formally summon a student to appear for a pre-hearing conference in connection with an alleged violation by sending them a pre-hearing notification communication.
- II. The pre-hearing notification communication shall outline the specific charges, and shall instruct the student of the date/time of a scheduled pre-hearing conference. If a student fails to attend the scheduled pre-hearing, a reminder communication will be forwarded to the student. This communication instructs the student of a second scheduled appointment.
- III. If an accused student fails to attend the second appointment or to reschedule this appointment, the accused student forfeits all rights as outlined below, and the administrative hearing officer may proceed with the disciplinary hearing in the student's absence. The hearing in absence will not be held fewer than five (5) business days from the date of the original charge communication.

**6. Pre-Hearing Conference**

- I. During the pre-hearing conference, the VCSA or designee shall explain the rights, responsibilities, and conduct procedures to the accused student. Specifically, the accused student's rights are as follows:
  - a. To have a pre-hearing conference with the VCSA or designee.
  - b. To have written notice of the violation(s) and an outline of rights prior to an administrative hearing. In the event that additional violations are brought, a further written notice must be forwarded to the student.
  - c. To review all available information, documents, exhibits, and a list of witnesses that may testify against them. Prior to the hearing, the VCSA or designee will inform the student of any new material in the student's disciplinary file that is likely to be considered at the hearing.
  - d. To request an Immediate or Delayed Administrative hearing.

- e. To elect not to appear at the hearing. The hearing is then conducted in the student's absence.
  - f. To 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 hearings will not be scheduled based on advisor availability. The advisor or support person may not speak on behalf of the student throughout the disciplinary process. This includes but is not limited to; address the Hearing Officer or Hearing Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that the advisor is supporting. ***If the student has received a suspension of ten (10) or more days or expulsion, the advisor or support person may fully participate during the disciplinary appeal process.***
    - i. The advisor, upon request of the student, may:
      - 1. Advise the student concerning the preparation and presentation of their case. The advisor may not speak for the student.
      - 2. Accompany the student to all disciplinary proceedings. The student is limited to the presence of one advisor, who shall not speak for the student.
  - g. Unless the student waives all or part of the notice, the formal hearing will not be held fewer than five (5) business days from the date of the original charge communication.
- II. During the pre-hearing, the VCSA or designee shall inform the student of the following options for resolution of the alleged violations:
- a. The student may deny responsibility and request an immediate administrative hearing before the VCSA or designee where determination of responsibility will be made.
  - b. The student may deny responsibility and request a delayed administrative hearing before the VCSA or designee where determination of responsibility will be made.
  - c. The student may accept responsibility and request for an immediate administrative hearing before the VCSA or designee to determine an appropriate sanction.
  - d. The student may accept responsibility and request for a delayed administrative hearing before the VCSA or designee to determine an appropriate sanction.
- III. The VCSA or designee is authorized to provide other opportunities for conflict resolution outside of the conduct process, when appropriate, if all involved parties agree. These opportunities may include mediation or other methods designed to reach a mutually satisfactory resolution. All parties must mutually agree upon the

choice of conflict resolution method after review of procedures and potential terms of resolution. Such alternative means of conflict resolution are not permissible with regard to allegations of sexual misconduct as defined in this Code.

- IV. If a student fails, without good cause, to respond to the charge communication sent under this section, the administrative hearing officer may proceed with the disciplinary process (including any hearings) in the student's absence.

**7. Administrative Hearings**

The purpose of an administrative hearing is to determine whether a student is "responsible" or "not responsible" for violating the Code of Student Life. No later than five (5) business days from the date of a hearing, a decision will be made based on available information, with or without the attendance of the accused student, provided that efforts have been made to notify the student consistent with this Code. If the student fails to attend the administrative hearing, and has not participated in a pre-hearing conference wherein the student has responded to the alleged violations, it will be assumed that the student denies responsibility for all allegations. When a student is found responsible and it is deemed appropriate, sanctions will be imposed. If a student fails to attend an administrative hearing, he or she will be notified in writing of the outcome of the hearing. In situations where a student is found "not responsible" for the charged violations, but the hearing officer concludes that the student would benefit from an educational conversation with appropriate University officials, the hearing officer may require a student to participate in such a conversation.

**8. 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 a hearing upon request. If a student does not request a 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.

**9. Proceedings for Cases Involving Sexual Misconduct**

For all student on student matters involving all forms of harassment and violence that are sexual in nature, including, but not limited to, stalking, voyeurism, exhibitionism, verbal or physical abuse or threats thereof, intimate partner or domestic partner violence, dating violence, and sexual assault (collectively known as Sexual Misconduct), proceedings may be found in the Fayetteville Policies and Procedures 418.1.

Fayetteville Policies and Procedures 418.1 does not apply to incidents and/or

allegations made against a University of Arkansas student by a non-student. In such cases Adjudication of such cases will proceed consistent with Code of Student Life, Section (I)(C).



## **D. Appeal Procedures**

1. Provisions Pertaining to All Appeals
  2. Procedures for Administrative Hearing Appeals
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### **Appeal of an Administrative Hearing Decision**

In the event a charged student or student organization disagrees with a finding of “responsible” or sanction of any University Hearing Officer, the charged student or student organization may request an appeal within five (5) business days after notification of the decision. Appeals of all decisions shall be submitted in writing to the Office of Student Standards and Conduct. In such instances appeals will be reviewed by the All University Conduct Board.

#### **1. Provisions Pertaining to All Appeals**

- I. Appellate review shall be on the record in the case and does not include a right of additional hearings or meetings on behalf of the student or student organization.
- II. The function of the All University Conduct Board in reviewing an appeal is that of reviewing the action of the administrative hearing officer to determine if the appeal meets one of the four grounds listed below:
  - a. An alleged violation of the rights guaranteed the accused 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.
- III. The Associate Dean of Student (ADOS) 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. Be submitted within the designated time frame (5) business 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. Select one or more of the four (4) appeal grounds.
  - d. Provide 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.
- IV. 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.

**2. Procedures for Administrative Hearing Appeals:**

- I. The Office of Student Standards and Conduct (OSSC) shall receive the appeal from a student or student organization choosing to appeal the decision of the Administrative Hearing Officer.
- II. Upon receiving the appeal, the OSSC shall compile the conduct record of the student or student organization. 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 disciplinary history if applicable.
- III. The VCSA or designee shall initiate the scheduling of an All University Conduct Board Appeal Hearing (AUCB). 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.
- IV. 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, who is a faculty member, casts the tiebreaking vote when necessary and, when applicable, assigns the disciplinary sanction(s) in accordance with the Code of Student Life. The make-up of each appeal hearing will consist of:
  - a. Chair – Faculty
  - 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.
- V. The AUCB has original jurisdiction when a student or student organization requests an appeal hearing.
- VI. Duties of the VCSA or designee to the AUCB prior to an Appeal Hearing:

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:

- i. 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.
- ii. Notify the respondent that the AUCB may question any witnesses and request a list of the respondent's witnesses if applicable.

VII. Procedural Standards for All University Conduct Board Appeal Hearings:

- a. The student or student organization may be accompanied by one advisor or support person at the appeal hearing. 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 or student organization'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 the appeal hearing will not be scheduled based on advisor availability. The advisor or support person may not speak on behalf of the student or student organization throughout the appeal hearing proceeding. This includes but is not limited to; address the AUCB, present evidence, make objections or statement, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that the advisor is supporting. ***If the student has received a suspension of ten (10) or more days or expulsion, the advisor may fully participate during the appeal hearing proceeding. This does not apply to student organizations.***
- b. Three (3) business days prior to the Appeal Hearing, or as soon as practicable thereafter, the respondent will receive a copy of all the appeal hearing materials which shall be considered by the AUCB.
- c. The AUCB will accept and review all hearing materials except that which is irrelevant or repetitious. The AUCB chair will be the sole judge of admissibility of evidence.
- d. The administrative 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.
- e. 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.

- f. All participants at the appeal hearing are expected to provide truthful testimony.
  - g. 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 respondent 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.
- VIII. 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.
- IX. The decision of the AUCB shall be made within five (5) business days of the appeal hearing and the Respondent shall be notified of the outcome in writing. The decision rendered by the AUCB is final.

## **E. Administrative Actions**

1. Interim Action
  2. Interim Suspension
  3. Psychological Evaluation and Withdrawal for Medical Reasons
  4. No Contact Orders
- 

Certain authorized individuals have the authority to impose interim administrative actions in order 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 designee. All Administrative Actions, with the exception of No Contact Orders, are subject to review by an Associate Dean of Students. Students who request a review must do so within three (3) business days of receipt of the Administrative Action notification; such review is subject to the availability of an Associate Dean of Students. During the review meeting, the Associate Dean of Students will determine whether the terms of the Administrative Action will be continued, modified, or terminated.

### **1. Interim Action**

In certain circumstances certain authorized individuals may impose restrictions, change of living arrangements, change in class schedule or other action in the form of an Interim Action Letter. Interim Action Letters will be delivered to the student's official University-provided e-mail account, and may be delivered to the student in person. These actions are 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 restrictions outlined in the interim action will be clearly presented to the student in the Interim Action Letter. If the student would like to contest the conditions as outlined in the Interim Action, it is the student's responsibility to request a review meeting with an Associate Dean of Students. Students must comply with the terms of the Interim Action until a requested meeting occurs, during which the Associate Dean of Students will determine whether the terms of the Interim Action will be continued, modified, or terminated. Following review of the terms of the Interim Action, if modified, the student must comply with the modified terms of the Interim Action until such time as the hearing officer considers the student's related disciplinary matter. The student's related disciplinary matter shall be resolved separately from the interim action and shall proceed consistent with the provisions of Section I(C) Disciplinary Proceedings as described herein.

### **2. Interim Suspension**

Interim Suspension is an action requiring that a student immediately leave the campus and University property. It suspends the student's participation in any classes or any other University activities. An Interim Suspension is implemented when the VCSA or

designee has reasonable cause, based on available facts, to believe that a student poses a significant risk of substantial harm to the health, safety, or welfare of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University. The VCSA or designee may impose an Interim Suspension prior to the conclusion of formal adjudication regarding the matter.

If the student chooses to contest the Interim Suspension, it is the student's responsibility to request a review meeting with an Associate Dean of Students. Students must comply with the terms of the Interim Suspension until a requested meeting occurs. 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 disciplinary matter is resolved consistent with the provisions of Section I(C) Disciplinary Proceedings as described herein. The VCSA or designee may require a psychological evaluation prior to a judicial hearing as outlined below.

The student will be notified of the Interim Suspension in the form of a letter which will be delivered to the student's official University-provided e-mail account, and may be delivered to the student in person. The letter will explain the reasons for the Interim Suspension and the duration and any conditions that apply. A student notified of such interim suspension will be provided the opportunity to attend a pre-hearing conference with an OSSC hearing officer to resolve the student's related disciplinary matter. The student's related disciplinary matter shall be resolved separately from the Interim Suspension and shall proceed consistent with provisions of Section I(C) Disciplinary Proceedings as described herein.

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 disciplinary action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g. to consult with the VCSA or designee or to participate in the disciplinary procedures 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.

### **3. 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.

## II. 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 through the University's conduct system except where, due to the student's psychological condition, the student is either:
  - i. Unaware of their actions;
  - ii. Unaware of the wrongful nature of their actions; or
  - iii. A disciplinary 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 a hearing for violations of the Code of Student Life, the University will proceed consistent with the provisions outlined in Section I(C) herein;
- d. 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.
- e. 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, he or she 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;

- f. 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 him or her 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.

### III. 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 Counseling and Psychological Services. 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.



#### IV. 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. 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 disciplinary 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.

#### 4. **No Contact Orders**

No Contact Orders are temporary directives issued by the Office of Student Standards and Conduct prohibiting communication between or among designated students. No Contact Orders (NCOs) are issued when, in the judgment of the Director of OSSC, 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. NCOs do not become part of a student's conduct record unless the matter is formally reviewed through the student conduct system, and only if charges of the Code of Student Life are applied and a responsible finding is rendered. NCOs prohibit all forms of communication between designated students direct or indirect, written, electronic or through a third party. Any violation of this directive may result in disciplinary 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 the University of Arkansas campus and/or University of Arkansas Police Department (UAPD) involvement.

The duration of a NCO is determined by the Office of Student Standards and Conduct, and students may request to have a NCO lifted after an appropriate sustained period of compliance.

No Contact Orders 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

in the academic environment. In some circumstances, a No Contact Order may be applied in conjunction with an Administrative Action and/or as a disciplinary sanction, as part of the resolution of a student's conduct matter. Students who are concerned about personal safety should contact the University of Arkansas Police Department at 575-2222.

## F. Authorized Disciplinary Sanctions

1. Disciplinary Sanctions
2. Additional Sanctions

When the VCSA or designee has determined that a student has violated the Code, 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. The VCSA or designees 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 disciplinary sanctions are a serious matter, the sanctions 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:

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

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

### 1. Disciplinary Sanctions

- I. **University Reprimand.** In cases of minor violations, students will be placed on a warning status for one (1) calendar year.
- II. **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.
- III. **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 disciplinary 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. In addition, the student can be restricted from certain activities on campus (participation in registered student organizations, intramural athletics, varsity athletics, etc.).
- IV. **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 disciplinary 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 period. The VCSA or designee determines whether the student has met the conditions imposed and is otherwise eligible for re-enrollment.

- V. **Expulsion.** Expulsion is a permanent dismissal from the University.

## 2. Additional Sanctions

- I. **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 disciplinary 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.
- II. **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.
- III. **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).
- IV. **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 or student group 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.

- V. **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.

## **G. Disciplinary Records**

1. Record Retention
  2. Request to Inspect Records
  3. Release of Student Conduct Records
  4. Student Conduct Holds
  5. Transcript Notation
  6. Expungement of a Student Conduct Record
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### **1. Record Retention**

- a) The OSSC maintains student conduct records in accordance with federal and state law and university policy. All student conduct records are retained for seven years after the date on the conduct decision letter, with the exception of cases that involve interim or administrative actions, suspension records, and/or expulsion records which are retained indefinitely.

### **2. Request to Inspect Records**

- a) Students have the right to inspect and review their education records to the extent that those records include information directly related to them. To request review of student conduct records, students must submit a request to inspect their record to the OSSC in writing. The OSSC will respond to a request for access within a reasonable time. Arrangement shall be made for the student to review their records. The OSSC reserves the right to refuse the education records from being removed from our offices. The OSSC does not allow unauthorized individuals to inspect education records, and the records may have certain information redacted pursuant to law.
- b) AUCB Appeal Hearings are audio recorded. Audio recordings of hearings will be made available to the applicable students for review in the OSSC office suite in the presence of an OSSC staff member. Any audio recording that is made by the university may be listened to by the responding student, but not copied.

### **3. Release of Student Conduct Records**

- a) Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), govern access to a student's conduct file. The OSSC 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 OSSC. An exception to the foregoing is that

information must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

- b) University officials, administrators, or offices with a “legitimate educational interest” may request access to student educational records for the use in decision making processes. This includes but is not limited to for the use in decision making processes related to selection and appointment to student leadership roles, scholarships, awards and honors, and study abroad opportunities.

#### 4. Student Conduct Holds

- a) While the conduct process is pending, the university may place a student conduct hold on the student’s records. The student conduct hold prohibits the student from registering for classes until the conduct process, including the appeal procedures if requested, have been completed.
- b) 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 matter(s) are resolved.
- c) 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.
- d) A student conduct hold shall be placed on a student’s record if they are suspended as the outcome of the conduct process. This student conduct hold prohibits a student from registering for classes until the suspension period is over and the student has reapplied and has been readmitted. 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.

#### 5. Transcript Notation

- a) Records of Disciplinary Suspension or Disciplinary Expulsion will be noted on the transcript. Designations of “Suspension” are recorded on the academic transcript during the period of suspension. The Disciplinary 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. This does not prohibit the student from transferring credits to another institution.

#### 6. Expungement of a Student Conduct Record

- a) Generally, most student conduct records are destroyed seven years after the final decision is delivered to a student. Student conduct records may be destroyed earlier by the Office of Student Standards and Conduct 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 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 disciplinary file before the seven year retention period, and cannot be examined or released. (Note: Under this provision, the student’s conduct record is only removed from the student’s

disciplinary 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 administrative action, suspension, or expulsion, as these records are maintained indefinitely. Petitions for conduct record expungement shall be reviewed by the Dean of Students (DOS) 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 early record expungement if:

- i. 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.
- ii. The student is in good academic standing.
- iii. The student has remained free from any new disciplinary matters.
- iv. The student has completed all sanctions, on time, by the deadline provided by the hearing officer or AUCB.

A student is NOT eligible for record expungement if;

- i. The student was subject to suspension, expulsion, or administrative actions, or if further violations would likely result in suspension or expulsion from the University.
- ii. 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.
- iii. The record is precluded from expungement as designated by state and/or federal law.



## H. 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 members.
3. All faculty members will be eligible to act as chair of an AUCB appeal panel if they have participated in AUCB Chair 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 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:
  - I. The student member requirement is waived by the student
  - II. A seated student does not participate and 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 student may serve on both graduate and undergraduate appeal panels.
6. AUCB Members shall be selected as follows:
  - I. The faculty members making up the possible pool of AUCB chair members shall be appointed by the Chair of the Campus Faculty. OSSC 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 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 OSSC through an application and interview process. Staff members will be confirmed by the chair of the Staff Senate.
  - II. 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 OSSC.
    - 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 will review recommended graduate student candidate's application for confirmation of membership.

- III. The Director of the OSSC 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 disciplinary 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.
- III. When a case involves a graduate student, the appeal panel will consist only of graduate student members.
  - IV. Vacancies occurring during the course of the year will be filled as follows: 1) undergraduate students, by the DOS or designee; 2) graduate students, by the Graduate Dean or designee; 3) staff, by Chair of the Staff Senate; 4) faculty, by the Chair of the Campus Faculty.
  - V. *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 for Student Affairs 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.
  - VI. Members of the AUCB become active members after receiving training through the Office of Office of Student Standards and Conduct.

## I. Student Organizational Disciplinary Process

1. Filing a Complaint
  2. Presumption of Non-Responsibility – Standard of Proof
  3. Preliminary Investigation
  4. Charge Plus Sanction Communications
  5. Pre-Hearing Conference
  6. Hearings
  7. Administrative Action
  8. Appeal Procedures
  9. Disciplinary Records for Student Organizations
  10. Authorized Disciplinary Sanctions
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### **Definitions:**

This policy is applicable to the following Student Organizations: Registered Student Organizations (RSO), Club Sports, Intramural Sports, Academic and/or Departmentally Affiliated Organizations, and Greek Organizations.

**Departmental Organizations** are considered extensions of the department, and as such, are under the direction and oversight of the department. The department controls the finances and maintains ultimate responsibility for the organization's events. Departmental organizations officially represent the University of Arkansas.

**Registered Student Organizations** are not an extension of University departments (even if they are professional or field-based) and are distinct from the University of Arkansas. RSOs receive University recognition and may receive University resources, and as such, are subject to University policies, but actions of the RSO are not actions of the institution. RSOs maintain separate finances, although in accounts held by the University, and make their own decisions about events, within University policy.

*\*Greek Organizations are considered Registered Student Organizations. Most Greek organizations do not hold on-campus financial accounts.*

**Club Sports** is an extension of the department of University Recreation. The program provides opportunities for individuals who share a common interest in a specific sport to enjoy the benefits of a group experience. Clubs are regulated by program and university regulations but retain the characteristics of self-administration and self-regulation. Members assume a variety of roles within the club (member, officer, coach) and are called upon to assist in all aspects of club operations.

**Intramural Sports** is an extension of the department of University Recreation. The program is designed to provide students, faculty, and staff an opportunity to participate in athletic and non-athletic recreational activities in a fun and safe environment. Intramural sports

promote physical fitness, social interaction, and campus involvement.

#### Conduct Regulations for Student Organizations

Officers and members of student organizations are expected to know and abide by all regulations for student's 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 misconduct. The University may report alleged violations of University regulations by student organizations to the organization's governing body or affiliated organizations.

#### Student Organizations and the Code of Student Conduct

The University's established procedure for considering alleged violations of University regulations by individual students is outlined in the *Code of Student Life*. The fact that alleged individual student misconduct grows out of participation in an activity sponsored or engaged in by a student organization does not eliminate the individual student's responsibility under the provisions of the *Code of Student Life*. The fact that individual students are held accountable for actions taken while participating in an organization's activity does not eliminate the accountability of the organization for its actions. The administrative procedures outlined in the *Code of Student Life* will not to be used to address charges of misconduct against student organizations. The University does hold student organizations accountable for acts taken by the organization that violate the misconduct provisions as outlined in the *Code of Student Life Section I(B) Student Standards of Conduct* in addition to any violations of student organizational regulations as outlined in *Code of Student Life Section III*, and/or outlined within other departmental related policies.

Upon receipt of an allegation of misconduct by a student organization, the Office of Student Standards and Conduct (OSSC) will conduct a preliminary investigation to determine if there is a reasonable basis for the filing of formal charges of misconduct against the student organization.

### **ADMINISTRATIVE PROCEDURES FOR STUDENT ORGANIZATIONS**

#### **1. Filing a Complaint**

- I. Any academic or administrative official, faculty member, staff member, student, or community member may file a verbal or written complaint with the Office of the Dean of Students (DOS) against a student organization for a violation of the *Code of Student Life*.
- II. 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.

**2. 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.

**3. Preliminary Investigation**

When the OSSC receives information that a student organization has allegedly violated University policies or local, state, or federal law, OSSC 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 disciplinary process as outlined below and notify the office the organization reports to directly and/or is housed within of actions to be taken.

*\*If the allegations involve a matter that pertaining to sexual misconduct it will be evaluated through Fayetteville Policies and Procedures 418.1.*

Proceeding with the disciplinary process may involve:

- 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 disciplinary process.
- A Charge Plus Sanction Communication Letter that is the result of a collaborative review by OSSC and the organizations affiliated and/or governing organization
- An Administrative Hearing with an OSSC hearing officer

Prior to the filing of formal charges, the OSSC shall notify the organization's president and primary and/or chapter advisor of record of receipt of allegations and shall request an investigative meeting. Prior to the meeting, the OSSC 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 OSSC requires that the organization conduct interviews with officers and other individuals, including members of the organization who might have pertinent information relating to the alleged misconduct by the student organization and are deemed relevant to the inquiry by the OSSC. Additionally, the OSSC requires the organization to arrive at the investigative meeting prepared to inform the OSSC as to how the organization has responded to the incident(s) in question and what plans have been developed to deter future violations. Notwithstanding the findings of the organization, the OSSC reserves the right to formally address the matter as it deems necessary.

**4. Charge Plus Sanction Communication**

When appropriate, and/or in collaboration with an organization's affiliated and/or

governing organization, the DOS or designee may utilize communications which notify the organization of the charges as well as the prescribed sanction(s). Organizations receiving such communications will be afforded a hearing upon request. If an organization does not request a hearing within five (5) business days, as described in the communication, the organization will be deemed to have accepted responsibility for the charge and to have agreed to the sanctions as outlined in the communication.

## **5. Pre-hearing Conference**

- I. If the preliminary investigation indicates that there is reasonable cause to believe that misconduct has occurred on the part of a student organization, the OSSC may levy formal charges.
- II. These charges will be specifically outlined in a letter addressed to the president of the organization, with a copy to the organization's advisor. This letter shall be e-mailed to the organization's president of record and the organization's advisor of record, as maintained and supplied by the office to which the organization directly reports (i.e. RSO Office, Greek Life, Club Sports, etc.).
- III. The letter shall also include a time, date, and place for a pre-hearing conference with the Director of the OSSC or their designee, to be held no sooner than five (5) business days from the date of the letter. If the designated representative of the student organization (as defined in Section 5(e) herein) 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.
- IV. If the accused student organization fails to attend or to reschedule its second appointment, the accused student organization forfeits all rights as outlined in Section I (C) 6 of the Code of Student Life. The administrative hearing officer will proceed with the disciplinary hearing in the student organization's absence. The hearing in absence will not be held fewer than five (5) business days from the date of the original charge communication.
- V. The purpose of the pre-hearing conference is for the Director of the OSSC or their designee to explain the rights, responsibilities, and conduct procedures to the accused organization. The pre-hearing conference provides an opportunity for the organization to discuss the charges with the OSSC. The 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 organization.

## **6. Hearings**

The purpose of a hearing is to determine whether the student organization is "responsible" or "not responsible" for violating the Code of Student Life. No later than

five (5) business days from the date of a hearing, a decision will be made based on available information, with or without the attendance of the accused student organization, provided that efforts have been made to notify the organization of the hearing. In the event the student organization fails to attend its' pre-hearing conference, the presumption of the OSSC and the administrative 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 an administrative 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 organization's primary advisor of record will be notified in writing of the outcome of the hearing. The OSSC 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.

#### **7. Administrative Action**

When in the sole discretion of the University, an allegation against a student organization gives reasonable cause to believe that the 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 organization. Any restrictions outlined will be clearly presented to the organization in the form of an Administrative Action Letter. All Administrative Actions are subject to review by an Associate Dean of Students. Organizations who request a review must do so within three (3) business days of receipt 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.

#### **8. Appeal Procedures**

The decision rendered in a hearing shall be final, subject only to the organization's right of appeal pursuant to the *Code of Student Life Section I(D)*.

#### **9. Disciplinary Records for Student Organizations**

- I. Disciplinary records for student organizations are matters of public record and are

maintained in the Office of the DOS. All information pertaining to individual students is protected by FERPA and subject to redaction prior to release.

- II. Disciplinary 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).
- III. Disciplinary Records for all student organization conduct records are retained for seven years after the date on the conduct decision letter, with the exception of cases that involve interim or administrative actions, suspension records, and/or expulsion records which are retained indefinitely.

#### 10. Authorized Disciplinary Sanctions

Sanctions assessed will list the length of the disciplinary 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. Disciplinary sanctions are fashioned in a manner that will redirect the 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, are authorized to impose any one or a combination of sanctions appropriate to address the organization's misconduct.

Generally, the sanction of suspension 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
- Persistently disrupts the University community; and/or
- Include multiple serious violations of the Code of Student Life.

However, other types of serious violations may warrant a temporary or indefinite suspension, as well.

##### I. Disciplinary Sanctions

- a. **University Censure.** A University Censure is a warning. A student organization may be placed on University Censure for a specified period of time.
- b. **Conduct Probation.** This sanction is imposed when a student organization's actions are found to be serious, but not serious enough to warrant Suspension. The disciplinary 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 Suspension.



- c. **Suspension.** Suspension 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 return to campus. During the period of Suspension, 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 disciplinary sanctions. An organization's return to campus after a Suspension 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.

## II. **Additional Sanctions**

- a. **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 disciplinary sanction. Educational sanctions may, for example, require the organization to attend a workshop, lecture or meeting, to perform community service, or to conduct training for the organization's members.
- b. **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.
- c. **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 group 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.
- d. **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.

## **J. 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](#)

- [Board Policy 220.1](#)
- [Board Policy 705.1](#)
- [UASP 715.1](#)
- [Fayetteville Policy 708.0](#)
- [Fayetteville 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](#)