

# Arkansas State University Conduct Information

## Preamble

Arkansas State University is a tax-supported educational institution whose mission is to provide an educational opportunity to all who enroll. Attendance is not compulsory, and whether the opportunity to attend is called a "right" or "privilege," it is optional and voluntary.

The enrollment of a student at the university is a voluntary entrance into the academic community. By such entrance, the student voluntarily assumes obligations of performance and behavior, which are imposed by the university relevant to its lawful missions, processes and functions. These obligations may be much higher than those imposed on all citizens by civil and criminal law.

Arkansas State University is an interdependent learning community consisting of students, faculty and staff. Just as any community has a culture, along with written and unwritten "expectations" for conduct, we too have a culture and associated expectations for behavior. The community's expectation is that conduct is marked by integrity. Any student who chooses to enroll at the university also chooses to become part of this community and constructively contribute to its culture. This choice is an obligation to conduct oneself in such a way as to facilitate the mission of the community, which is to "...pursue and share knowledge..."

The following principles are part of the collective expectation of the members of this community relative to personal conduct. We hope they serve to explain and illustrate our position.

**Civility** — Members of a learning community interact with others in a courteous and polite manner. Members of the community are expected to respect the values, opinions or feelings of others.

**Ethical Behavior** — The pursuit of a higher education is a privilege. Associated with that privilege is an obligation to aspire to a set of principles and values that demonstrate a commitment to fairness, honesty, empathy and achievement.

**Morality** — Members of a learning community commit to the ideals of appropriate human conduct. This lifestyle seeks to harm no one and attempts to be a positive contributor in every interaction.

**Respect** — Every member of this community should seek to gain and demonstrate respect. Members should hold one another in high regard. Each individual should conduct him or herself in a manner worthy of that regard, which is gained by decent and correct behavior.

The learning community at Arkansas State University does not intend to be prescriptive regarding the personal beliefs and value systems of its members. However, this community does believe that it has a right to expect its members to demonstrate personal responsibility and integrity in word and deed. When the conduct of any member falls outside the bounds of civil, moral and ethical behavior, that member can expect the community of Arkansas State University to call such conduct into question.

The university reserves the right to discipline students or student organizations for inappropriate actions that occur on or off the campus to secure compliance with these higher obligations. Students failing to maintain these higher obligations may be asked to leave the academic community. Students are expected to comply with all university policies and procedures

"Responsibility for student conduct and the University Student Conduct System is vested with the Vice Chancellor for Student Affairs. The Vice Chancellor may designate the Assistant Dean of Students for Student Conduct, Rights, & Responsibilities, the campus Student Disciplinary Committee, the Assistant Director of Residence Life (Conduct/Operations), and/or Residence Hall directors as the Initial Conduct Officer/Body depending upon the severity of the infraction and where it occurred."

### **Jurisdiction**

All of the conduct regulations apply to student acts in or on university property or within the jurisdiction of the University Police. Additionally, the university reserves the right to adjudicate acts that occur one semester prior and one semester following any student's enrollment with the university. Furthermore, the university reserves the right to discipline students for extreme acts of misbehavior detrimental to the University community wherever they occur.

### **Interim Suspension**

An Interim Suspension is a temporary removal of the student based upon facts that show the student constitutes a direct threat to property, to self, or to others. The student immediately will be given notice of reason for the INTERIM SUSPENSION and the time, date and place of a preliminary hearing at which he/she shall be an opportunity to show why his/her continued presence on campus will not constitute a danger to property, self, or others. Such notice shall be given in writing and hand delivered whenever possible. When personal delivery is not possible, notice of the preliminary hearing shall be mailed at least two working days prior to the hearing.

An INTERIM SUSPENSION is not based upon the presumption of the student's guilt, nor does it nullify the right to the basic fundamentals of due process as previously defined in this document. The Vice Chancellor for Student Affairs or his/her designee will conduct the preliminary hearing and make a determination regarding the threat to property, self, or others.

### **Student Contact Information**

All students are responsible for maintaining their current address, email address and phone number with the Registrar's Office. It is also the student's responsibility to frequently monitor campus e-mail and the university web site, as these electronic means of communication are the university's most effective and efficient ways to disseminate important information to the campus community.

### **Modifying the Standards of Student Conduct**

The university reserves the right to amend the Standards of Student Conduct at any time. Every effort will be made to communicate any changes made to the university community at least ten days prior to policy change.

### **Policy Interpretation**

The Vice Chancellor of Student Affairs or his /her designee is the final authority in defining and interpreting the Standards of Student Conduct and conduct procedures.

### **Code of Conduct**

It is understood that a regulation concerning every possible act of misconduct cannot be specifically stated. However, the following acts of misconduct apply whether they are performed singly, in groups, or at a function of an organization. These acts of misconduct could result in arrests and charges being filed under local, state or federal laws.

By allowing the existence of behaviors or items that violate Arkansas State University policy, procedures, or Code of Conduct, students have demonstrated an implied consent for the violation(s) and thus may be equally charged for the violation(s). In addition, students will be considered in violation if they fail to remove themselves from incriminating situations and/or report the incident to proper authorities.

Finally, the university reserves the right to discipline students for acts of misconduct wherever they occur. Acts of violence, weapons possession, and possession of illegal drugs will not be tolerated and will result in separation from the university.

1. Possession, use and/or distribution of alcoholic beverages, in any form, in or about university grounds, instructional buildings, residence halls, or at any university approved activity on or off campus and/or impairment which can be attributed to the use of alcohol;
2. Use, manufacturing, distribution or possession of drugs, narcotics, chemicals and/or drug paraphernalia without medical prescription under medical supervision and/or impairment which can be attributed to the use of such drugs;
3. Gambling on or about university property and residence halls;
4. Disorderly conduct, such as, but not limited to, acts that are against the public peace, order, or safety, and/or lewd, indecent, obscene conduct or expression on or off the campus;

5. Unauthorized or illegal entry into a building, classroom, office, room, vehicle or residence hall, and/or unauthorized use or possession of university property;
6. Violation of regulations and policies governing residence in university owned or controlled property (see the Residence Hall Calendar/Contract);
7. Dishonesty, such as academic cheating, plagiarism, or knowingly furnishing false information, including forgery, alteration, or misuse of university documents, or identification;
8. Physical assault (including rape/sexual assault) or harassment (including sexual harassment/verbal abuse), threat of physical harm of any person or self, and/or conduct which threatens or endangers the health, safety, or welfare of any such person;
9. Non-recognized student groups attempting to function on the campus or in the name of Arkansas State University;
10. Failure to comply with directions, verbal or written, of university officials, law enforcement agents, or residence hall staff while performing of their duties. Refusing to respond to an official request related to an alleged violation of university policy or regulation or giving false testimony or fraudulent evidence in university disciplinary proceedings;
11. Failure to fulfill obligations associated with an official disciplinary sanction;
12. Possession or use of firearms, fireworks, other weapons, or chemicals which are of an explosive or corrosive nature on university property or at university functions;
13. Theft, attempted theft, possession, sale or barter of, or damage to property of the university or of a member of the university community or campus visitor;
14. Failure to register a motor vehicle operated on the campus and abide by the stated rules of the university regulating the use of such vehicles;
15. Engaging in overt physical acts that interfere with the normal or sponsored activities of the university on or off the campus, including, but not limited to, the blocking of ingress or egress to the university's physical facilities, tampering with public utilities, or prevention of freedom of movement or expression by other students, university officials, law enforcement agents, faculty members, employees and invited guests;
16. Failure to abide by university regulations regarding residence hall visitation, inter-visitation, and security;

17. The instigation of false fire/explosion, or emergency alarms, bomb threats, tampering/misusing or damaging fire extinguishers, alarms or other safety equipment;

18. All forms of hazing such as any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, ridicule, or possibly cause mental or physical harm or injury to any person on or off the university campus

*(NOTE: Arkansas Act 75 of 1983 states: No student of any school, college, university, or other educational institution in Arkansas shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other students in the commission of this offense);*

19. Violation of policies, procedures or regulations included in official publications of the University such as, but not limited to, the undergraduate and graduate bulletins, the traffic brochures, posted notices, other departmental publications, and Residence Hall Calendar/Regulations;

20. Misuse, abuse, and unauthorized use of computing resources, and/or use of computing resources for unauthorized purposes such as, but not limited to, destroying, modifying, accessing, or copying programs, records, or data belonging to the university or another user without permission;

21. Arrest for violation of local, state, or federal law, and/or conduct that adversely affects the student's suitability as a member of the university community.

22. Students are responsible for the conduct of their guests on or in university property and at functions sponsored by the university or any recognized university organization.

### **Specific Residence Hall Violations:**

23. Knowingly, recklessly or negligently obstructing any fire exit in a residence hall or at a residence hall-sponsored activity;

24. Knowingly, recklessly or negligently interfering with the normal operation of an elevator in a residence hall;

25. Knowingly or recklessly using or possessing in a residence hall or at any residence hall-sponsored activity, any object or substance designed to inflict physical injury, including but not limited to: all firearms, pellet guns, knives with blades longer than five inches, clubs and switchblade knives;

26. Attempting suicide or repeatedly threatening to commit suicide;

27. Knowingly, recklessly, or negligently causing any object to be thrown or dropped from a residence hall;

28. Knowingly furnishing false information to the Residence Life Office or to any staff member acting for the Residence Life Office;
29. Knowingly or recklessly interfering with the normal operation of a residence hall including, but not limited to visitation rules and quiet hours rules;
30. Knowingly or recklessly playing any audio device in a manner which unreasonably interferes with the ability of another resident to use and enjoy his/her assigned room or common area;
31. Failing to pay housing fees;
32. Failing to remain as a full-time student of the university without permission from the Office of Residence Life.
33. Window coverings must be the provided mini-blinds. Cloth curtains are also permitted. No cardboard, aluminum foil, cellophane or other window coverings are permitted on windows.

### **Conduct Information and Procedures**

Alleged violations of the Standards of Student Conduct should be reported to the Office of Student Conduct.

### **Procedures for Handling Conduct Charges for Violations of the Standards of Student Conduct**

1. Any individual may refer a student to the Office of Student Conduct for Conduct charges. Conduct Referrals should be delivered to the Office of Student Conduct within ten (10) university business days after the student has been identified as the alleged violator, whenever possible
2. Upon the receipt of a Conduct Referral, the Assistant Dean of Student Conduct or designee will determine if sufficient information is present for charges to be filed against the alleged violator. If charges are filed, then the alleged violator will be delivered or e-mailed the charges and an initial meeting will be scheduled.
3. The Assistant Dean of Student Conduct or designee will determine initial hearing officer depending upon the severity of the alleged infraction and where it occurred. The initial hearing officer may be one of the following: Assistant Dean of Student Conduct, Associate/Assistant Director of Residence Life, Office of Student Conduct Staff members, Area Coordinators, Residence Hall Directors, and Greek Council Hearing Bodies.

## **Procedures for Resolving Conduct Charges for Violations of the Standards of Student Conduct.**

### **1. Informal Case Resolution:**

The initial hearing officer may offer an alleged violator a case resolution. The initial hearing officer will meet with the alleged violator to review the charges and the options they have available to them to resolve the matter. The alleged violator can have 48 hours to decide which option he/she would like to utilize to resolve the charges.

a. If an alleged violator accepts responsibility for the alleged offense, then the initial hearing officer will assign the sanction. If the alleged violator does not agree with the sanction(s), he/she may request that the appropriate designee review the sanction(s) to determine appropriateness. Requests for review of sanction(s) must be delivered in writing to the Office of Student Conduct within 48 hours of being assigned the sanction(s) or by 9:00 a.m. on the next university business day, if the deadline falls on a weekend or after 5 p.m. on a weekday. This is the only appeal available through the Case Resolution Process.

b. If the alleged violator does not accept responsibility for the alleged offense, then the case will be referred back to the Office of Student Conduct. A Formal Conduct Hearing will then be conducted to determine if the alleged violator is responsible for the charges and if so to determine the sanction(s).

c. Any student who fails to attend a scheduled Case Resolution meeting will have a hold placed on their registration until they have met with the university representative and reached a resolution or until a Formal Conduct Hearing has been completed.

### **2. Formal Conduct Hearing:**

If an alleged violator does not accept responsibility, does not attend the Case Resolution or if the initial hearing officer does not feel that a Case Resolution is appropriate, then a Formal Conduct Hearing will be convened. There are three types of Formal Conduct Hearings that an alleged violator may choose from or be remanded to: Administrative, Student Hearing Board or the University Disciplinary Committee Hearing depending on the severity of the case and the alleged violator's prior history. All Formal Conduct Hearings are recorded.

### **Types of Formal Conduct Hearings**

#### **Administrative**

Administrative hearings are assigned in cases where there is little discrepancy in a case, where there is a need to expedite the conduct process (such as cases of safety or when

interim action has been taken), or when there is a request for one by the alleged violator. Administrative hearings are heard by the Assistant Dean of Student Conduct or designee.

### **Student Hearing Board**

Student Hearing Boards are assigned in cases where the alleged violator would benefit from a decision put forward by his/her peers. Student Hearing Boards consist of 5-9 Arkansas State University students who have been selected and trained to participate in the conduct process

### **University Disciplinary Committee**

University Disciplinary Committee hearings are assigned in cases where the student requests such a hearing or the hearing is assigned. A University Disciplinary Committee Hearing consist of 5-9 students, faculty or staff members selected by the Assistant Dean of Student Conduct or designee from an appointed pool of hearing board members.

### **Student Organizations**

Cases involving Student organizations will follow the same procedure noted for students. If a Student Organization is a social Greek letter organization, the Assistant Dean of Student Conduct will confer with the appropriate council advisor before assigning the initial hearing body. The Office of Student Conduct may choose to adjudicate their case or assign them to the disciplinary committee of the appropriate council (Interfraternity, National Panhellenic, National Pan-Hellenic). If the Office of Student Conduct hears the case, the appropriate council may hear the case simultaneously if the charged organization has also violated council policies.

A student organization may be subject to the conduct process in the following situations:

1. An alleged offense was committed by one or more members of an organization and an executive member or advisor encouraged, sanctioned or was complicit while it occurred.
2. An alleged offense was committed by one or more members of an organization and organization funds were used to finance the venture.
3. An alleged offense was committed by one or more members of an organization and was supported by a majority of the organization's membership.
4. An organization has chosen to protect one or more individual offenders who were members or guests of the organization.
5. After hearing the case, the hearing officer/body deems that the offense, by its nature, was an organization offense and not the actions of the individual members.
6. An alleged offense occurred as a result of an organization sponsored function.
7. A pattern of individual violations is found to have existed without proper and appropriate group control, remedy or sanction.

### **Formal Conduct Hearing Guiding Principles:**

- a. An alleged violator may request a pre-hearing conference prior to his/her Formal Conduct Hearing.

- b. An alleged violator will have at least 48 hours notice of a hearing or the notice will be posted five University business days prior to the hearing.
- c. An alleged violator may choose to not attend a scheduled hearing, however, if properly notified it will proceed in his/her absence.
- d. An alleged violator may choose to not answer a question at any time or to not speak during his/her hearing or present information to a hearing body, if he/she feels it is in his/her best interest.
- e. A complete witness list must be turned into the Assistant Dean of Student Conduct two university business days prior to the hearing.
- f. Students may request, in writing, a list of all witnesses and access to all information. All information requests must be done in writing and allow 24 hours for the information to be compiled.
- g. Determination of responsibility will be based upon a preponderance of the evidence or if it is "more likely than not" that a violation did occur.
- h. No character witnesses or irrelevant information will be considered in a hearing.
- i. An alleged violator may select an advisor to be present at the hearing that may confer and give advice to the student in a quiet, confidential and non-disruptive manner. A list of trained student advisors is available in the Office of Student Conduct.
- j. An actively participating alleged victim may select an advisor to be present at the hearing that may confer and give advice to the student in a quiet, confidential and non-disruptive manner.
- k. No recordings or tapes of hearings shall be made by any person other than the Chair of the Hearing. The Hearing recording will be maintained by the Office of Student Conduct for the appeal process only. If an appeal is not made, the recording will be destroyed 10 university business days after the appeal date is past. If an appeal is made, the recording will be destroyed 10 university business days after the final appeal decision. A student will be given reasonable access to their hearing recording for the purposes of review, with the understanding that no duplication or transcribing of the recording shall be permitted. Requests for access to hearing recordings must be made in writing and provide the Office of Student Conduct at least 24 hours notice to make the appropriate arrangements.

## **Appeal Process**

### **Informal Case Resolution Appeal**

A student or organization found responsible for a violation of university policy in an Informal Case Resolution may request a sanction review for the following reason:

- Sanction unreasonably harsh or inappropriate for the circumstances of the violation

Requests for review of sanction(s) must be delivered in writing to the Office of Student Conduct within 48 hours of being assigned the sanction(s) or by 9:00 a.m. on the next university business day if the deadline falls on a weekend or after 5 p.m. on a weekday. This is the only appeal available through the Informal Case Resolution Process. The sanction review will be heard by the Assistant Dean of Student Conduct unless she/he was the initial hearing officer. If the Assistant Dean of Student Conduct was the initial

hearing officer, the Vice Chancellor for Student Affairs Office or Designee will hear the review.

The decision of the Appeal Officer is final.

### **Student Organization Council Hearing Appeal**

A student organization found responsible for a violation of university/council policy during a council hearing may request and appeal for one of the following reasons:

- Insufficient information that a policy was violated;
- A serious procedural error in resolving the case;
- Sanction unreasonably harsh or inappropriate for the circumstances for the violation.

Requests for appeal must be delivered in writing to the Office of Student Conduct within 72 hours, of receipt of the original written decision, or by 9:00 a.m. on the next university business day, if the deadline falls on a weekend or after 5:00 p.m. on a weekday.

Typically a decision will be rendered within five to 10 University business days, unless the sanction includes suspension or dismissal. After review, the Assistant Dean of Student Conduct or designee may:

- Affirm the finding(s) of the original hearing authority;
- Reverse finding(s) of the original hearing authority;
- Alter the sanction(s) of the original hearing authority;
- Refer the case to the Office of Student Conduct for a new hearing including the new information shared in the appeal.

The decision of the Appeal Officer is final.

### **Formal Conduct Hearing Appeal**

A student found responsible for a violation of university policy during a Formal Conduct Hearing may request an appeal for one of the following reasons:

- Insufficient information that a policy was violated;
- A serious procedural error in resolving the case;
- Sanction unreasonably harsh or inappropriate for the circumstances for the violation.

Requests for appeal must be delivered in writing to the Office of Student Conduct within 72 hours, of receipt of the original written decision, or by 9:00 a.m. on the next university business day if the deadline falls on a weekend or after 5:00 p.m. on a weekday.

Typically a decision will be rendered within five to 10 University business days, unless the sanction includes suspension or dismissal. After review, the Vice Chancellor of Student Affairs Office or designee may:

- Affirm the finding(s) of the original hearing authority;
- Reverse finding(s) of the original hearing authority;
- Alter the sanction(s) of the original hearing authority;
- Refer the case to the Office of Student Conduct for a new hearing including the new information shared in the appeal.

The decision of the Appeal Officer is final.

### **Conduct Sanctions**

University Student Conduct Process sanctions for individuals, groups, or organizations include:

1. **Educative Sanctions**—Papers, counseling, alcohol/drug evaluations, tasks or series of tasks that are educational in nature and/or serve to benefit the group or community at large.
2. **Reprimand**—(a) Oral reprimand—An oral disapproval issued to the student by a person designated in the decision; (b) Written reprimand—A statement of disapproval prepared by a designated person and delivered to the student in writing.
3. **Restrictions**—(a) Identification card privileges; (b) parking privileges; (c) visitation/inter-visitation privileges in residence halls; (d) removal from a particular room, floor, or residence hall; (e) or as appropriate to the violation.
4. **Restitution**—Compensation for loss or damage incurred to the university residence hall, or a member/guest of the university community.
5. **Probated Suspension**—Notice that further convictions of major offenses, as specified, may result in suspension. The period of probation shall be specified in the decision.
6. **\*Suspension**—Temporary severance of the student's relationship with university for a specified period of time. The period of time is to be specified in the decision.
7. **Probated Expulsion**—Notice that further convictions of major offenses, as specified in the decision, may result in expulsion.
8. **Expulsion**—Permanent severance of the student's relationship with the university.
9. **University Housing Sanctions**—(a) housing relocations; (b) restriction of hall privileges; (c) probated suspension; (d) suspension; (e) probated expulsion; (f) expulsion; (g) other.

\* NOTE: THE UNIVERSITY WILL NOT ACCEPT FOR TRANSFER ANY CREDIT EARNED AT OTHER INSTITUTIONS DURING THE PERIOD A STUDENT IS ON SUSPENSION FOR DISCIPLINARY REASONS FROM THE UNIVERSITY.

### **Student Conduct Records**

#### **Retention**

Student Conduct Records will be maintained for seven years from the date of the last case resolution or two years post graduation, whichever comes later. Any student record with an outstanding sanction, suspension or dismissal will be kept indefinitely.

#### **External Release**

External release of records will occur in accordance with Federal law. Records will only be released outside of the university system with the students' written consent or in cases allowed by Federal Law such as when a student is applying for transfer to another institution.

