

Preface

The mission of the University of Arkansas is teaching, research, and service. Inherent in this mission is the responsibility of the University to educate its students to be responsible, civic-minded citizens. The Code of Student Life outlines student conduct and disciplinary policies that pertain to students and student organizations at the University of Arkansas. It is designed to provide information to students, faculty, and staff regarding the ideals that underlie our academic mission, and the expectations that the University has regarding the conduct of students. The purpose of the policies outlined in the Code is to protect the rights of all members of the University Community and to maintain an atmosphere in the University community appropriate for an institution of higher education.

Accepting membership into the University of Arkansas community entails the obligation to assume the values described with the Code of Student Life. These values are designed to cultivate responsible and engaged citizens and create an environment conducive to learning and academic inquiry. Those students who are engaged members of the razorback community and comply with all responsibilities described herein are substantially more likely to achieve success.

The Code of Student Life is established by the Faculty Senate pursuant to Board of Trustees Policy 810.1(II)(A)(7). Students seeking interpretations of provisions within the Code may contact the Vice Provost for Student Affairs/Dean of Students (VPSA/DOS).

Student Responsibility for Conduct On-Campus and Off-Campus; Jurisdiction for Disciplinary Matters

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

The Code of Student Life applies to all persons enrolled in courses offered by the University of Arkansas, Fayetteville. (Note that the School of Law has its own process for reviewing alleged violations of the Code). The Code of Student Life also applies to persons who withdraw or graduate after allegedly violating the Code of Student Life or who are not enrolled for a particular term but have an apparent continuing relationship with the University. While procedures may vary, the conduct requirements of the Code of Student Life apply at all locations connected to the University of Arkansas, Fayetteville, including locations in a foreign country or in another state, and to all University activities, regardless of location. Furthermore, the University reserves the right to withhold or withdraw degrees, honors, or awards, due to violations of this Code.

If students or student organizations are cited by staff, faculty, or other students for a possible violation of local, state, and federal laws and/or University policies, they may be subject to disciplinary action by the University and/or appropriate legal action. If students or student organizations are reported by community members for possible violations of the law, the University will cooperate with appropriate officials taking necessary legal action. If these students or student organizations are reported to University officials, the University may intervene on a formal or an informal basis. "Informal" intervention will involve individual student(s) or student organization leader(s) being referred to the VPSA/DOS or designee for discussion of the incident. Off-campus behavior that may have an impact on the mission of the University, or that may have an impact on the health, safety or welfare of any individuals involved, may be subject to University disciplinary action.

The conduct requirements of the Code of Student Life, but not the procedures, also apply to persons who have been notified of their acceptance for admission and persons who are living in University of Arkansas residence halls, although not enrolled at the institution.

I. STUDENT CONDUCT AND DISCIPLINARY PROCEEDINGS

A. Identification of Students on Campus

1. Each student is issued a photo id card, which must be retained while she/he 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 himself/herself. A person identifies himself/herself by giving his/her name and complete address and stating truthfully his/her 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 his/her 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 his/her 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 his or her duty if:
 - a. 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 him or herself as a registered student, or,
 - b. 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 OF 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 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 VPSA/DOS 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.
 - h. 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; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship
 - ii. The type of the relationship.
 - iii. The frequency of interactions between the persons involved in the relationship.
 - h. 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Immediate Family Member means:
 - i. A. a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
B. any other person living in the household of that person and related to that person by blood or marriage
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 instillment 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.
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:
 - a. Conduct that violates the University's policies prohibiting sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or written communication of a sexual nature.
 - b. The use of phone, email, social media, or any other method to relay messages or materials of a sexual nature that are unwanted by the recipient.
 - c. Is sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities
 - d. Based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
 - e. (See Appendix B)
9. Sexual Misconduct: Any sexual activity or attempt to engage in sexual activity, that does not involve the knowing consent of each individual expressed verbally or otherwise, or any prohibited activity as defined in university policies on sexual assault. Such conduct includes, but is not limited to, any sexual act in which a person is threatened, coerced,

or forced to engage in against her or his will, or any sexual act engaged in while a partner is temporarily or permanently incapacitated, such as:

- a. Any form of sexual penetration when the victim does not or is unable to provide knowing consent.
 - b. Any touching or fondling of the sex organs or body parts for the purpose of sexual gratification when the victim is unable to or does not give knowing consent.
 - c. Any trespass, force, restraint, domicile invasion, or coercion made with actual or threatened sexual intent.
 - d. Indecent exposure.
 - e. (See Appendix C)
10. Stalking, defined as repeated and unwanted attention, harassment, contact, or other conduct directed at a specific person that would cause a reasonable person to feel fear.
 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 H)
 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 D).
 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 himself or herself or another person or property.
 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
 - a. Unauthorized use, abuse, or interference with fire protection equipment or safety equipment which could result in death, injury or substantial property damage.
 - b. Intentional setting off of false fire alarms.
 - c. Bomb threats or similar threats involving dangerous devices or substances.
 - d. Behavior which constitutes a significant fire hazard.
 - e. Unauthorized possession or use of any material or substance which constitutes a significant health hazard.
 - f. Intentional tampering with or damage to university facility doors, locks, or other entrances and/or exits.
21. 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:
 - a. excessive or involuntary use of alcohol
 - b. paddling or physical abuse in any form
 - c. creation of excessive fatigue
 - d. kidnapping
 - e. 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; 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 are in violation of University policy related to demonstrations and/or assemblies. (See Appendix E).
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 F).
29. Instigation of a disturbance in violation of University policy and/or any 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 G).
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. (Appendix I).
33. Failure to comply with sanctions imposed under the Code of Student Life.
34. Using electronic or other devices to make an audio or video record of any person, without the person's prior knowledge or consent, where there is a reasonable expectation of privacy and such a recording 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:
 - a. Knowing falsification or misrepresentation of information presented to any disciplinary authority.
 - b. Interference with the conduct process through coercion, intimidation, threats or bribery.
 - c. Failure to promptly obey any mandate of any university disciplinary authority, including but not limited to a notice to appear for a disciplinary hearing or to appear as a witness in a disciplinary proceeding without proper excuse or justification.
 - d. Failure to obey notice from an authorized University official to appear for a meeting or hearing as a part of the student conduct system.
 - e. Initiation of a complaint with prior knowledge that information submitted is false.

- f. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
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 his/her presence during the activity.
 41. Tampering with the election of any University-recognized student organization.
 42. 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.

C. DISCIPLINARY PROCEEDINGS

Under the direction of the Chancellor, and subject to other University policies, the VPSA/DOS has primary responsibility and authority for the administration of student discipline in response to violations defined in Section B above. Further delegation of this authority may be made by the VPSA/DOS to Associate Deans of Students. The Dean of the Graduate School will be notified in all cases involving graduate students.

1. Filing Complaints

- a. 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.

b. While action on a complaint of a violation is pending, the status of the student or 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 or 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 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 VPSA/DOS or designee receives information that a student or student organization has allegedly violated University policies or local, state, or federal law, the VPSA/DOS 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 VPSA/DOS 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 All-University Conduct Board or appropriate University official, or
- b. making a Referral for Psychological Evaluation as described below or
- c. proceeding with the pre-hearing conference as described below.

4. Disciplinary Correspondence

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

- a. The VPSA/DOS or designee may formally summon a student or representatives of a student organization to appear for a pre-hearing conference in connection with an alleged violation by sending him/her/them a pre-hearing notification communication.
- b. The pre-hearing notification communication shall outline the specific charges, and shall instruct the student or student organization of the date/time of a scheduled pre-hearing conference. If a student or student organization fails to attend the scheduled pre-hearing, a reminder communication will be forwarded to the student or student organization. This communication instructs the student or student organization a second scheduled appointment.

c. If an accused student or student organization fails to attend his/her second appointment or to reschedule his or her appointment, the accused student or student organization forfeits all rights as outlined below, and the administrative hearing officer or AUCB may proceed with the disciplinary hearing in the student's or student organization's absence. The hearing in absence will not be held fewer than **five (5)** class days from the date of the original charge communication.

6. Pre-hearing Conference

a. During the pre-hearing conference, the VPSA/DOS or designee shall explain the rights, responsibilities, and conduct procedures to the accused student. Specifically, the accused student or student organization's rights are as follows:

- 1) To have a pre-hearing interview with the VPSA/DOS or designee. If the student fails to schedule or attend the pre-hearing interview, the student waives her/his right to request a hearing as outlined below.
- 2) To have written notice of the violation(s) and an outline of rights prior to an administrative or AUCB hearing. In the event that additional violations are brought, a further written notice must be forwarded to the student.
- 3) To review all available information, documents, exhibits, and a list of witnesses that may testify against him/her/them. Prior to the hearing, the VPSA/DOS 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.
- 4) To request an Administrative or AUCB hearing.
- 5) To elect not to appear at the hearing. The hearing is then conducted in the student's or student organization's absence.
- 6) To be assisted by one advisor. An advisor may be defined as; a friend, a family member, a member of the university community or an attorney. The accused student is responsible for presenting his/her own case and therefore, advisors may not speak or participate directly in any hearing before a conduct board or hearing officer. It is a student's responsibility to request and obtain the services of an advisor. University officials are neither required, nor obligated to act as advisors. Administrative and/or AUCB hearings will not be scheduled based on the availability of an advisor. The advisor, upon request of the student or student organization, may:
 - a) Advise the student or student organization concerning the preparation and presentation of his/her case. The advisor may not speak for the student or student organization.
 - b) Accompany the student or student organization to all disciplinary proceedings. The student or organization is limited to the presence of one advisor, who shall not speak for the student or student organization.
 - c) In cases involving sexual or violent offenses, the alleged victim may have a support person present during the hearing. The support person is in attendance to provide emotional support to the alleged victim. The support person may not participate in the hearing.

7) Unless the student or student organization waives all or part of the notice, the formal hearing will not be held fewer than **five (5)** class days from the date of the original charge communication.

b. During the pre-hearing, the VPSA/DOS or designee shall inform the student or student organization of the following options for resolution of the alleged violations:

- 1) The student may deny responsibility and request an administrative hearing before the VPSA/DOS or designee where determination of responsibility will be made.
- 2) The student may deny responsibility and request a hearing before the All University Conduct Board(AUCB) where a determination of responsibility will be made.
- 3) The student may accept responsibility and request for an administrative hearing before the VPSA/DOS or designee to determine an appropriate sanction.
- 4) The student may accept responsibility and request for the AUCB to determine an appropriate sanction.
- 5) The VPSA/DOS or designee may opt to refer any case for review by the AUCB.

c. The VPSA/DOS 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.

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

7. Hearings

Subject to the availability of AUCB panel members and witnesses, the student's hearing will be held not later than twenty (20) business days following the date of the pre-hearing or the student's failure to respond to the second charge communication, or as soon as possible thereafter.

The purpose of a hearing is to determine whether a student is "responsible" or "not responsible" for violating the Code of Student Life. No later than five (5) 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 or student organization, provided that efforts have been made to notify the student or organization consistent with this Code. If the student or student organization fails to attend the hearing, and has not participated in a pre-hearing conference wherein he/she has responded to the alleged violations, it will be assumed that the student or

student organization denies responsibility for all allegations. When a student or student organization is found responsible and it is deemed appropriate, sanctions will be imposed. If a student or student organization fails to attend a hearing, he or she will be notified in writing of the outcome of the hearing. In situations where a student or student organization is found “not responsible” for the charged violations, but the hearing officer or AUCB concludes that the student or student organization would benefit from an educational conversation with appropriate University officials, the hearing officer or AUCB may require a student to participate in such a conversation.

8. All-University Conduct Board

a. When a student requests a regular hearing before the AUCB or when the VPSA/DOS or designee refers a case to AUCB for a hearing, the AUCB becomes involved. The VPSA/DOS 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 case. 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.

1) Chair – Faculty (3-year appointment by Chair of Campus Faculty)

2) Two University Faculty / Staff Members – staff appointed annually by OSSC with approval of staff senate/faculty appointed by Chair of Campus Faculty for a 3-year appointment.

3) Two University Student Members – appointed annually from among students in good standing by OSSC involving Associated Student Government (ASG) in selection process of undergraduate students if available. To be considered in good standing for purposes of serving on the AUCB, students must not have any presently applicable disciplinary sanctions or pending charges with OSSC.

4) 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.

b. Jurisdiction and Responsibilities of AUCB

1) The AUCB has original jurisdiction when a student or student organization requests a board hearing, or when the VPSA/DOS or designee determines that a board hearing is necessary.

c. Procedural Standards for All University Conduct Board Cases

1) All matters upon which the decision may be based must be introduced into evidence at the hearing before the AUCB. The decision shall be based solely upon such matters and must be supported by the evidence.

2) All evidence will be admitted except that which is irrelevant or repetitious. The AUCB chair will be the sole judge of admissibility of evidence.

3) AUCB records are maintained in the OSSC and are confidential and may be released only with the consent of the student or otherwise consistent with law and University policy. This includes records of the conduct proceedings.

4) A student may choose to present material witnesses to the AUCB for consideration at the hearing, although the hearing will not be scheduled based on the student's witness(s) availability. Additionally, the student may not present character witnesses in person, character witness statements will only be accepted in the form of a written statement.

5) Any member of 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 VPSA/DOS of Student Affairs or his/her 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 exist, the AUCB chairperson will make the final determination.

d. Duties of the VPSA/DOS to AUCB Prior to a Hearing

The VPSA/DOS or designee shall:

1) Consult the AUCB in setting the date, time, and place for the hearing.

2) Assist the AUCB in summoning witnesses and preparing evidence that is requested by the AUCB.

3) Notify the student or student organization by university email account or by communication of the date, time and place for the hearing. The VPSA/DOS or designee shall send the hearing notification communication as outlined above. The hearing notification communication shall specify a hearing date not less than five (5) business days after the date of the receipt of the communication. A student may request in writing that an earlier date be set, if feasible. The AUCB, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time, and place.

4) The communication described above shall:

a) Direct the student charged to appear at a specified date, time, and place and inform the student that the case will be heard in absentia if she/he has failed to report within 15 minutes of the specified time and date.

b) Advise the student of his/her rights as outlined in Section C above.

c) Contain the charges that will be offered against him/her.

d) Notify the respondent that the VPSA/DOS or designee may question the student's witnesses and request a list of the respondents' witnesses.

9. Charge-Plus-Sanction Communications

For minor violations of the Code of Student Life, the VPSA/DOS 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.

10. Special Procedures for Cases Involving Alleged Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence

All cases involving Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence will be resolved through an Administrative Hearing. The hearing will be conducted by a mixed gender three-person committee of university hearing officers, which shall generally include the Director of the Office of Student Standards and Conduct, all of whom have been trained in sexual assault prevention and response. When a student is found responsible for violating the Code of Student Life respective to Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence, the VPSA/DOS or designee will impose Disciplinary Sanctions ranging from University Censure to Expulsion, as well as other Educational Sanctions as deemed appropriate by the VPSA/DOS.

For cases of Sexual Misconduct and Sexual Harassment the complainant will participate in an intake meeting with the University's Title IX Coordinator (and/or his or her designee), and the Title IX Coordinator will use the information gathered as a determiner for any referral to the Office of Student Standards and Conduct.

For cases involving allegations of Sexual Misconduct, Sexual Harassment, Stalking, Domestic Violence, and/or Dating Violence both the complainant and the respondent shall have the following rights:

- 1) To have a pre-hearing meeting with the VPSA-DOS or designee, if desired.
- 2) To have written notice of the charge(s) and an outline of rights prior to the hearing.
- 3) To review available information, documents, exhibits, and a list of witnesses that is likely to be considered at the hearing.
 - a. Note that there may be information in either student's disciplinary file, for example, regarding prior offenses that would not be made available to the other student.
- 4) To propose information, documents, exhibits, and witnesses relating to the incident to be considered at the hearing.
- 5) To be accompanied by one advisor or support person. An advisor or support person may be defined as: a friend, a family member, and a member of the university community or an attorney. If the student wishes to testify, the student is responsible for speaking on her/his own behalf and therefore, the advisor/support person may not speak or participate directly in the hearing. 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.
- 6) Cases will receive priority in scheduling hearings.
- 7) Both students shall be notified simultaneously, in writing, whether the respondent has been found responsible for alleged misconduct and any disciplinary measures relating to the complainant, for example, changes in living

arrangements or requirements to stay away from the complainant. In cases where the respondent is found responsible, and there is an appeal, the complainant shall receive a copy of the appeal, and may provide a written response to the appeal to the VPSA/DOS within five (5) business days after the University issues notification of the appeal. If there is an appeal, the complainant shall be informed of the outcome.

- 8) In the event either student disagrees with the finding or sanction of the hearing panel, either student may request an appeal within five (5) business days after notification of the decision. The appeal shall be submitted to the Office of Student Standards and Conduct. Respondent's appeal shall proceed consistent with the general provisions outlined in Code of Student Life Section I(D), "Appeal Procedures." The Complainant's appeal shall proceed consistent with the provisions outlined in the Code of Student Life Section I(D) with the exception of the appeal grounds. The Complainant shall have the option to appeal based on one or more of the following three (4) grounds;
- a) The above stated special procedures were not followed and that affected the hearing outcome.
 - b) New evidence has become available that was not available during the time of the original hearing.
 - c) The sanction(s) imposed are outside the University's sanction range for such violations and/or not justified by the nature of the offense.
 - d) An objective assessment of the evidence under the preponderance of evidence standard supports a finding of responsibility.

(See Appendix B & C)

D. APPEAL PROCEDURES

Appeal of Administrative or All-University Conduct Board Decision

In the event a charged student or student organization disagrees with a finding of "responsible" or sanction of an Administrative Hearing Officer or the AUCB, the charged student or student organization may request an appeal. In instances of Level 1 or similar sanctions, the student or student organization may appeal to the VPSA/DOS for Student Affairs within five (5) business days after notification of the decision. In instances of Level 2 or similar sanctions, the student or student organization may appeal to the VPSA/DOS and Chancellor within five (5) business days after notification of the decision. Appeals of all decisions shall be submitted to the Office of Student Standards and Conduct. All appeals are subject to the Additional Provisions Pertaining to All Appeals listed below.

a. Procedure for Level 1 Appeals:

- 1) The VPSA/DOS for Student Affairs shall receive the petition from a student or student organization choosing to appeal (1) the decision of the AUCB, or (2) the decision of the Administrative Hearing officer. Such petition shall be submitted in

writing to the Office of Student Standards and Conduct explaining in detail the reasons for the student's or student organization's appeal.

2) Upon receiving a petition, the VPSA/DOS shall obtain the record of the administrative hearing officer or the AUCB. Such record shall include all relevant documents and records and if appropriate, a statement from the hearing officer or AUCB advisor that summarizes the case and the reasons supporting the disciplinary decision.

3) The VPSA/DOS, shall decide whether to approve, reject, or modify the decision in question, or remand the case for a new hearing by the AUCB or an Administrative Hearing officer for clarification or a new hearing.

4) The decision of the VPSA/DOS shall be made within ten (10) business days of the receipt of all information outlined above, or as soon as possible thereafter.

b. Procedure for Level 2 Appeals

1) The VPSA/DOS and Chancellor shall receive the petition from a student or student organization choosing to appeal (1) the decision of the AUCB, or (2) the decision of the Administrative Hearing officer. Such petition shall be submitted in writing to the Office of Student Standards and Conduct explaining in detail the reasons for the student's or student organization's appeal.

2) Upon receiving the petition, the VPSA/DOS and Chancellor shall obtain the record of the AUCB or administrative hearing officer. Such record shall include relevant documents and records from the AUCB. A statement from the AUCB advisor shall summarize the case and the reasons supporting the disciplinary decision.

3) Following review of the record, the VPSA/DOS and Chancellor shall approve, reject, or modify the hearing officer or AUCB decision, or remand the case to the hearing officer or AUCB for clarification or a new hearing. This decision shall be based on the grounds for an appeal outlined below.

4) The decision of the VPSA/DOS and Chancellor shall be made within thirty (30) business days of the receipt of all information outlined above, or as soon as possible thereafter.

c. Additional Provisions Pertaining to All Appeals

1) Appellate review shall be based on the record in the case and does not include a right of additional hearings or meetings on behalf of the student.

2) To be permissible, the appeal must be submitted within the designated time frame and contain a detailed discussion of the student's evidence and reasoning based on the permissible grounds for appeal contained in this policy

3) 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 VPSA/DOS for Student Affairs (or, in cases involving Level 2 sanctions, the Chancellor) makes a decision, although sanctions may be retroactive to the date of the alleged offense.

4) The function of the VPSA/DOS (or Chancellor, as applicable) in reviewing an appeal is that of reviewing the action of the AUCB or administrative hearing officer to determine if: (1) an alleged violation of the rights guaranteed the accused has occurred; (2) the sanction is too severe for the violation; (3) new and significant evidence that was not available at the time of the hearing has developed which has a bearing on the outcome or (4) an objective assessment of the evidence under the preponderance of evidence standard does not support a finding of responsibility.

E. ADMINISTRATIVE ACTIONS

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 VPSA/DOS 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 AUCB or 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 VPSA/DOS or designee

has reasonable cause, based on available facts, to believe that a student or student organization's 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 VPSA/DOS 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 VPSA/DOS 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, the duration and any conditions that apply, and a copy of this interim suspension policy. A student notified of such interim suspension must, within (10) business days, schedule a pre-hearing conference with an OSSC hearing officer to resolve his/her 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 VPSA/DOS or designee or to participate in the disciplinary procedures against him/her) may be granted in writing by the VPSA/DOS 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

Initial Intervention

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

- i. To facilitate an intentional intervention and process whereby the student is offered support, resources and appropriate assistance needed.

- ii. 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.
- iii. To establish and enforce student behavioral expectations, action plans, and remedies aimed at deterring future student involvement in at-risk behavior.

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 VPSA/DOS, 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 Student Code of Conduct 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 his/her actions; (ii) unaware of the wrongful nature of his/her 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 Student Code of Conduct, 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 his or her 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 his or her 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 his or her designee. The report will be available for the student to review with a member of the counseling center staff;

- f. Following an evaluation, the Director of CAPS or his or her 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) Has threatened or attempted suicide and 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.
- g. **Voluntary Withdrawal**
- (i) If withdrawal for medical reasons is recommended in these instances, the VPSA/DOS or his or her 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, his/her family, and his/her academic college to facilitate the withdrawal.
- (ii) 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. 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 Vice Provost/Dean of Students for Student Affairs, and the Director of CAPS.
- h. **Mandatory Withdrawal**
- If the student does not voluntarily withdraw from the University and/or residence hall, the dean of students or his or her designee, staff of the counseling center and other appropriate University personnel will review the contents of the psychological evaluation report, and the VPSA/DOS 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 business days of the date of the written decision. The decision of the Chancellor and Provost will be final.

- i. 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.
- j. 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. NCO's do not become part of a student's conduct record until 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. NCO's 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 his or her 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 orders 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

When the AUCB, the VPSA/DOS or designee has determined that a student or student organization has violated the Code, sanctions are fashioned in such a manner that will redirect the individual or group'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 AUCB chair or the VPSA/DOS 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, sanctions designated as Level 2 sanctions are generally applied to more serious misconduct. Ordinarily, the sanction of suspension or expulsion will be implemented in matters where a student's/student organization's actions:

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

However, other types of serious violations may warrant suspension or expulsion, as well. In matters where the resulting sanctions for a student or student organization may be expulsion, the All-University Conduct Board will ordinarily serve as the original hearing body.

1. Disciplinary Sanctions

- a. **University Reprimand** (Level 1 sanction). In cases of minor violations, students will be placed on a warning status for one (1) calendar year. A copy of the decision is retained in a student's file for one (1) year and may be used in determining sanctions for cases brought during that year. Records are not maintained after the warning period has expired.
- b. **University Censure** (Level 1 sanction). 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. These records are maintained seven (7) years from the date of sanction.
- c. **Conduct Probation** (Level 2 sanction). 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 VPSA/DOS or designee will generally seek the penalty of Suspension. These records are maintained for seven (7) years from the date of sanction. In addition, the student can be restricted from certain activities on campus (participation in registered student organizations, intramural athletics, varsity athletics, etc.).
- d. **Suspension** (Level 2 sanction). 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 VPSA/DOS 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). Students suspended may not receive credit for University work completed by correspondence or in residence at another university without permission from the VPSA/DOS. Re-enrollment after a Suspension requires that the student apply to the VPSA/DOS at the close of the imposed period. The VPSA/DOS determines whether the student has met the conditions imposed and is otherwise eligible for re-enrollment. These records are maintained indefinitely.
- e. **Expulsion** (Level 2 sanction). Expulsion is a permanent dismissal from the University. These records are maintained indefinitely.

2. Additional Sanctions

- a. **Educational Sanctions** (Level 1 sanction). 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 board or 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.
- b. **Removal of Activity Privileges** (Level 1 sanction). This option may be exercised if it is believed by the board or 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. **Registration and Account Holds** (Level 1 sanction). The VPSA/DOS 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).
- d. **Restitution** (Level 1 sanction). 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 board 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 board or its designated representative may arrange alternative means such as commensurate service and/or replacement.
- e. **Removal from a Living Unit** (Level 2 sanction). In imposing this sanction, the board or 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. A hearing record, notice of appeal, and each petition for review are confidential and may not be disclosed in whole or part except as provided for by law. This disciplinary record shall be separate from the student's academic record but shall be considered a part of the student's educational record maintained in the Office of the VPSA/DOS.
2. Records for cases resulting findings of "not responsible" are maintained for one year.
3. Records for cases resulting in University Reprimands will be destroyed one calendar year from the date of the decision, barring additional violations.
4. A student who is Suspended, or Expelled will have a hold placed on his/her registration file by the VPSA/DOS or designee. This hold will be removed when the term of Suspension expires and/or conditions for reenrollment have been met. Records of Interim Actions, Suspensions, and Expulsions are maintained indefinitely.
5. Suspension or Expulsion will be noted on the transcript as a withdrawal with a mark of "W" assigned.
6. Records for cases not resulting in Interim Actions, Suspension, or Expulsion will be destroyed seven years after the date of the incident or as permitted by federal or state law.
7. Discipline records for individuals 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).
8. Discipline records are maintained in a student's confidential discipline file, and do not appear on a student's transcript.
9. Recordings of applicable hearings will be made available to charged students for review in the OSSC office suite in the presence of an OSSC staff member.

H. SELECTION AND COMPOSITION OF THE ALL UNIVERSITY CONDUCT BOARD

1. The pool of possible AUCB Board members will consist of up to twenty undergraduate student members and twenty graduate student members, twenty faculty members and ten staff members (must possess a master's degree or terminal degree).
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 hearing panel.

4. When an individual hearing panel is convened by the VPSA/DOS or designee 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 hearing panel. There will be no fewer than two student members on any hearing panel unless the student member requirement is waived by the student or 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 hearing panels concerning undergraduate students. Graduate students may serve on both graduate and undergraduate hearing panels.
6. AUCB Members shall be selected as follows:
 - a. The faculty members making up the possible pool of AUCB chair members shall be appointed by the Chair of the Campus Faculty. 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.
 - b. The students named to AUCB should represent the diverse population of the University community. The following procedures for selection shall be followed:
 - 1) Applications for all AUCB membership will be submitted to the OSSC. .
 - 2) The VPSA/DOS or his/her designee will conduct interviews for graduate and undergraduate student members of the AUCB. Ordinarily, one representative of the ASG (appointed by the ASG President) should be part of the interviewing team for undergraduate students. The Graduate Dean and Graduate Dean's Advisory Board representatives will review recommended graduate student candidates application for confirmation of membership.
 - 3) The Director of the OSSC will make a recommendation to the VPSA/DOS for Student Affairs.

- 4) 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.
 - 5) 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.
 - 6) Student members shall serve one-year terms, and are eligible to serve additional terms with re-application, appointment and approval as indicated above.
- c. When a case involves a graduate student, the hearing panel will consist only of graduate student members.
 - d. Vacancies occurring during the course of the year will be filled as follows: 1) undergraduate students, by the VPSA/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.
 - e. *Ad Hoc* Panels: When circumstances such as University holidays, summer terms or lack of member availability due to heavy caseload render a hearing by a regular hearing panel impractical, and a hearing before a single hearing officer is not well-advised, the VPSA/DOS or designee may convene an *ad hoc* hearing panel. The membership of the hearing panel shall be approved by the VPSA/DOS for Student Affairs or his/her designee. When possible, the *ad hoc* hearing panel will include current AUCB representatives. *Ad hoc* panels should also include staff, undergraduate and graduate student representation when the case involves a graduate student. When convened, the *ad hoc* hearing panel shall assume the authority equal to the regular hearing panel that otherwise would have heard the referral.
 - f. Members of the AUCB become active members after receiving training through the Office of Office of Student Standards and Conduct.

APPENDIX A - Campus Policy on Discrimination

Campus Council Statement on Discrimination

In spring 1983 the Campus Council adopted a statement regarding discrimination, which was amended in fall 1991: The Campus Council of the University of Arkansas, Fayetteville, does not condone discriminatory treatment of students, faculty, or staff on the basis of age, disability, ethnic origin, marital status, race, religious commitment, sex, or sexual orientation in any of the activities conducted upon this campus. Members of the faculty are requested to be sensitive to this issue when, for example, presenting lecture material, assigning seating within the classroom, selecting groups for laboratory experiments, and assigning student work. The University faculty, administration, and staff are committed to providing an equal educational opportunity to all students.

Faculty Handbook Policy regarding Non-Discrimination

It is the policy of the University of Arkansas to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential through equal opportunity. The university should be a place of work and study for students, faculty, and staff, which is free of all forms of discrimination, sexual intimidation and exploitation. Therefore, it is the policy of the University of Arkansas, to prohibit discrimination of its students, faculty, and staff and to make every effort to eliminate discrimination within the university community.

Therefore, the University of Arkansas is committed to providing equal opportunity for all students and applicants for admission and for all employees and applicants for employment regardless of race, age, gender, religion, national origin, marital or parental status, disability, veteran status or sexual orientation. In addition, discrimination in employment on the basis of genetic information is prohibited.

It is the responsibility of the University of Arkansas' Office of Equal Opportunity and Compliance to investigate and resolve all allegations of discrimination on the basis of race, age, gender, national origin, religion, disability, veteran status, marital or parental status, and sexual orientation. For more information or to report allegations of discrimination, contact:

University Compliance Officer
ADA Coordinator/Title IX Coordinator
Office of Equal Opportunity and Compliance
Phone: 479-575-4019

<http://provost.uark.edu/72.php>

APPENDIX B: Campus Policy on Sexual Assault

Faculty Handbook Policy on Sexual Assault

<http://vcfa.uark.edu/Documents/4181.pdf>

Fayetteville policy number 418.1

Sexual Assault Policy

Policy Statement

It is the policy of the University of Arkansas to prohibit sexual assault and to prevent sex offenses committed against students, employees, visitors to the campus, and other persons who use University facilities. Sexual assault is an extreme form of sexual harassment. Sexual harassment is prohibited by University policy and is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972. Sexual assault is also a crime, defined by the Arkansas criminal code. (Adopted by the Campus Council, Sept. 23, 1993)

Definitions

Sexual assault may include any involuntary sexual act with which a person is threatened, coerced, or forced to engage in against her or his will or while temporarily or permanently incapacitated. Sexual assault may be committed by a stranger or by a person known by the victim.

Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will, and forcing an unwilling person to touch another person sexually.

Sexual assault occurs when such acts are committed either by force, threat, or intimidation, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

Consent is defined as clear, knowing and voluntary. 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 create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual assault should report the assault immediately to the University of Arkansas Police Department. If the assault occurred outside the jurisdiction of the University Police, they will assist in reporting it to the proper authorities. Sexual assault may also be reported to the Fayetteville Police Department, if it occurred within the city limits, or to the police of another municipality if the assault occurred within another township or city that has a police force.

Sexual assault may be reported to the Washington County Sheriff's Department if it occurred outside city limits but within the county. Sexual assault may also be reported to the University

Health Center's STAR Central Office (Office for Support, Training, Advocacy, and Resources on Sexual Assault and Relationship Violence) or to NWA Rape Crisis.

Preserving Evidence

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes, bathe or shower, douche, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (i.e., bed sheets, blankets, etc.) should be placed in a brown paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of rape and sexual assault.

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. Students and employees may use the Counseling and Psychological Services (CAPS) department of the University Health Center. The Psychological Clinic of the Department of Psychology may be able to provide assistance in some cases. Employees of the University may be able to seek help through the Employee Assistance Program. Community mental health agencies, such as the Ozark Guidance Center, and counselors and psychotherapists in private practice in the area can provide individual and group therapy.

STAR Central of the University Health Center and NWA Rape Crisis may assist with making referrals for individual counseling and support groups. STAR Central will assist victims with identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

Education and Awareness Programs

The STAR Central Coordinator in the Department of Health Promotion and Education of the University Health Center is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year in residence halls, fraternities, sororities, and for other student organizations, academic classes, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

A peer education group, Rape Education Services by Peers Encouraging Conscious Thought (RESPECT), of the University Health Center provides sexual assault awareness, education, and prevention programs for the campus community. The STAR Central Coordinator supervises and advises the peer educators of RESPECT.

University Student Conduct System

When appropriate, the University of Arkansas Police Department or any member of the University community may refer allegations of sexual misconduct (as defined in the Code of Student Life) by students to the Deputy Title IX Coordinator. The student conduct system, which is described in the Code of Student Life, provides a just and equitable process for addressing

alleged infractions by students of the Code of Student Life, University of Arkansas policies, and/or other regulations or laws. The system is intended to educate students, to help them make responsible decisions, and to be accountable for their actions. All cases involving Sexual Misconduct and Sexual Harassment are resolved consistent with the provisions of Section I(c)(10) of the Code of Student Life (“Special Procedures for Cases Involving Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence”).

Complaints concerning allegations of sexual assault regarding faculty and staff members may be referred to the Compliance Officer with the Office of Equal Opportunity and Compliance.

Disciplinary Action

Students and employees who are found responsible for sexual assault may be subject to University disciplinary action. According to the circumstances of the case, possible sanctions for students may range from University Censure to Expulsion from the University and, for employees, from formal reprimand to dismissal.

Victims of sexual assault may receive assistance in making reasonable changes in their work, academic, or living situations. Students may request assistance in changing their living situations from University Housing. Requests for academic changes should be directed to the dean of the appropriate college. Employees may request assistance in changing their work situations from their supervisors or from the Department of Human Resources. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available.

Coordination of Responses to Alleged Sexual Assault

The University has designated the University Compliance Officer as its Title IX Coordinator with overall responsibility for oversight of the University’s compliance with its obligations under Title IX, including, but not limited to, its obligations to investigate and respond to allegations of sexual assault. Contact information is as follows:

Shannon C. Haupt
University Compliance Officer/Title IX Coordinator
Office of Equal Opportunity and Compliance
346 N. West Avenue (West Avenue Annex)
479-575-4019

For allegations of sexual assault by faculty, staff or other persons (other than students), the Title IX Coordinator coordinates with UAPD and the University Health Center to ensure that allegations of sexual assault reported to University officials are investigated and that confirmed allegations are addressed through University personnel processes, as appropriate.

For allegations of sexual misconduct by students, the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, coordinates with UAPD and the University Health Center to ensure that allegations of sexual misconduct reported to University officials are processed through the University student conduct system, as appropriate. The Deputy Title IX Coordinator reports to the Associate Dean of Students and the University Title IX Coordinator on all allegations of sexual assault processed through the student conduct system. Contact information is as follows:

Dr. Monica D. Holland
Executive Director, Academic Initiatives and Integrity
Deputy Title IX Coordinator
634 Arkansas Union
479-575-5229

APPENDIX C: Campus Policy on Sexual Harassment

Faculty Handbook Policy on Sexual Harassment

<http://provost.uark.edu/72.php>

Fayetteville policy number 418.0

Sexual Harassment Policy

It is the policy of the University of Arkansas to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential. The university should be a place of work and study for students, faculty, and staff, which is free of all forms of sexual intimidation and exploitation. Therefore, it is the policy of the University of Arkansas to prohibit sexual harassment of its students, faculty, and staff and to make every effort to eliminate sexual harassment in the university.

The university's prohibition of sexual harassment applies to members of the university community, to visitors to the campus, and to contractors and others who do business with the university or who use university facilities. The policy prohibiting sexual harassment applies regardless of the gender of the harasser or of the person being harassed. The policy applies to sexual harassment that takes place in any relationship, including both those involving a power differential and those between peers, colleagues, and co-workers. The university policy prohibits sexual harassment between or among students, faculty, staff, and others visiting or conducting official business on campus, and in all areas of the university's work and educational environments.

Sexual harassment of employees is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment of students is a violation of Title IX of the Education Amendments of 1972. These laws apply to both the university and to individuals. Those who engage in sexual harassment may be subject to legal consequences, including civil and criminal penalties and monetary damages.

Sexual harassment subverts the mission of the university and threatens the careers, educational experience, and well-being of students, faculty, staff, and visitors to the campus. In both obvious and subtle ways, sexual harassment is destructive to individual students, faculty, staff, and the academic community as a whole. Sexual harassment blurs the boundary between professional and personal relationships by introducing a conflicting personal element into what should be a professional situation. When, through fear of reprisal, a student, staff member, or faculty member submits or is pressured to submit to unwanted sexual attention, the university's ability to carry out its mission is seriously undermined.

Sexual harassment is especially destructive when it threatens relationships between teachers and students or supervisors and subordinates. Through control over grades, salary decisions, changes in duties or workloads, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's, staff member's, or faculty

member's career at the university and beyond. Sexual harassment in such situations constitutes an abuse of the power inherent in a faculty member's or supervisor's position.

Definitions

Sexual harassment as defined by the U.S. Equal Employment Opportunity Commission and adapted to the academic environment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or written communication of a sexual nature, regardless of where such conduct might occur, when:

(1) submission to the conduct is made either implicitly or explicitly a term or condition of an individual's employment with the university or of an individual's academic status or advancement in a university program, course, or activity;

(2) submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting that individual; and/or

(3) the conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such elements as coercion, threat, unwanted sexual attention, and/or promises of academic or professional rewards in exchange for sexual favors. Sexual harassment is *unwelcome* behavior. Behavior that the courts have found to constitute sexual harassment is usually repeated or continues even after the individual makes it clear that it is unwanted.

Sexual harassment is often divided into two categories: (1) *quid pro quo* harassment and (2) harassment resulting from a hostile or abusive environment.

Quid pro quo harassment involves an explicit or implied exchange; that is, the granting or denial of a benefit or privilege in exchange for sexual considerations. The harasser uses submission to or rejection of the offensive conduct as the basis for decisions such as employment, promotion, transfer, selection for training, performance evaluation, or the basis for academic evaluation or recommendations.

Court decisions have established that a hostile or abusive working or learning environment may also constitute sexual harassment. While the exact definitions and limits of a hostile or abusive environment continue to be delineated by the courts, case law indicates that such an environment exists when the workplace or educational environment is permeated by discriminatory intimidation, insults, and ridicule, such as sexual innuendos, uninvited sexual advances, sexually suggestive or discriminatory remarks, sexually suggestive or offensive signs, graffiti, or pictures, the use of sexually crude and vulgar language, etc. The U.S. Supreme Court has held that, to constitute sexual harassment, the offensive conduct must be sufficiently severe and pervasive that a reasonable person would find the conditions of the working or

learning environment to have been adversely affected. The employee or student must also subjectively perceive the environment to be hostile or abusive. However, it is not necessary that an employee's or student's psychological well being be seriously affected or that she or he suffer injury for a discriminatorily hostile or abusive environment to exist. One utterance of an offensive epithet does not by itself constitute sexual harassment. The Supreme Court has indicated that whether an environment is hostile or abusive can be determined only by looking at all the circumstances, which may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance or a student's learning.

Examples of behavior that may constitute sexual harassment are included in Appendix A.

Academic Freedom

Works of art and literature, readings, and other written, auditory, or visual course materials which are used in an educational context, including classrooms, academic offices, and all other learning environments, or which are part of academic or cultural programs, *do not* constitute sexual harassment, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals.

Consensual Relationships

Consensual sexual relationships between faculty and their students or between supervisors and their employees in some instances may result in charges of sexual harassment.

Consensual relationships may lead other faculty and students or supervisors and coworkers to question the validity of grades, evaluations, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

University faculty, administrators, and other supervisory staff should be aware that any sexual involvement with their students or employees could subject them to formal action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility should it be proven that the power differential between them made the relationship other than fully consensual. Even when both parties have consented to a relationship, it is the faculty member, administrator, or supervisor who may be held accountable for unprofessional behavior. Other students or employees may allege that the relationship creates a hostile or abusive environment affecting them. Graduate assistants, residence hall staff, tutors, and undergraduate course assistants who are professionally responsible for students will be held to the same standards of accountability as faculty in their relationships with students whom they instruct or evaluate.

When a consensual relationship exists between a student and a faculty member who has control over the student's academic work or status or between an employee and his or her

supervisor, the resulting conflict of interest should be addressed in accordance with university policies concerning conflict of interest.

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment is strongly urged to report it. The university must know about incidents of sexual harassment in order to stop them, protect victims, and prevent future incidents.

It is the responsibility of university faculty, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally recognized professional confidentiality between the complainant and the person to whom the harassment is reported, the report may be withheld at the request of the complainant.

Timeframe for Reporting

Sexual harassment should be reported immediately and must be reported within 180 days of its occurrence. However, under compelling circumstances, a delayed report of sexual harassment may be made, provided it is made within 180 days after a student has graduated from the university or 180 days after an employee has left his or her current position at the university.

Retaliation Prohibited

University policy and federal law prohibit any form of retaliation against a person who makes a sexual harassment complaint, participates in an investigation of sexual harassment, or participates in formal grievance or disciplinary procedures. Retaliation against a complainant or witness is, in itself, a violation of university policy and the law, and is a serious separate offense.

False Reports of Sexual Harassment

Willfully making a false report of sexual harassment is a violation of university policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of sexual harassment will be subject to disciplinary action.

Reporting System

Students, faculty members, administrators, staff members, or visitors to the university may report allegations of sexual harassment to an official (hereinafter referred to as the "compliance officer") who is designated by, and who reports to, the Chancellor. They may discuss with the compliance officer any situation that they believe may constitute sexual harassment. Reports may be made by the person experiencing the harassment or by a third party, such as a witness to the harassment or someone who is told of the harassment. The compliance officer's telephone number is (479) 575-4019.

Investigation of Complaints

The compliance officer must investigate every allegation of sexual harassment, including third-party reports. The investigation shall be appropriate to the complaint, taking into consideration its seriousness, the extent to which it is or can be substantiated, and the nature of the resolution desired by the complainant. An initial review to determine whether an investigation is warranted must be initiated within five working days or as soon as possible after the complaint is made.

Upon receiving a complaint, the compliance officer will interview the complainant (and the individual allegedly experiencing the conduct if it is a third-party report) to compile as much specific information as possible, including the nature of each incident, the time, place, actual or potential witnesses, any actions or other responses to the alleged harassment already taken by the complainant, identification of the alleged harasser, and other pertinent facts or allegations.

The compliance officer will explain the university's obligation to investigate and take appropriate corrective action. The compliance officer will present options for resolution of the complaint, including actions that the aggrieved person can take and methods of informal resolution. The compliance officer will offer information about the availability of counseling and other assistance, as appropriate to the situation.

The compliance officer will meet with the person accused of sexual harassment and present the allegations, indicating whether there are witnesses or other evidence that would appear to substantiate the charge. The alleged harasser may make an initial response to the allegations. If the issue is not resolved at that point or if the compliance officer determines that an investigation is warranted, the compliance officer will proceed with an investigation.

Deans, department heads, chairpersons, directors, and other administrators who are responsible for personnel matters will participate with the compliance officer, as appropriate, in investigating charges of sexual harassment and in the process of resolution of sexual harassment complaints.

Individuals who make complaints of sexual harassment and individuals who are accused of sexual harassment are entitled to a fair and prompt resolution of the complaint that is consistent with the principles of due process. Resolution may be attempted through direct informal action, through an informal resolution process, or through a formal complaint process.

Informal Resolution Process

After the compliance officer has discussed the complaint with the complainant and informed the person against whom a complaint has been made, the complainant may choose to attempt to resolve the matter by addressing the person directly. The compliance officer can suggest methods and models (e.g., writing a letter describing the offensive behavior and its effects on the complainant and requesting that the behavior cease).

If the complainant wishes to attempt to resolve the problem informally, the compliance officer may serve as a mediator, or otherwise assist both parties in coming to an understanding and

resolving the problem, with a focus on changing current and future behavior. The compliance officer may take statements or review records from either party and from any witnesses that either party identifies, but the main focus will be on resolution and conciliation. Deans, department heads, chairpersons, directors, or other administrators will be involved, as appropriate, in the informal resolution process.

Formal Complaint Procedure

If either party is not satisfied with the result of the informal process or if the complainant chooses, instead, to use a formal University of Arkansas complaint procedure, the compliance officer will help identify the appropriate procedure and explain how to use it. At the discretion of the compliance officer, records concerning the matter may be made available to parties, witnesses, or administrators, as necessary, to properly conduct the investigation during the formal complaint procedure.

If a formal complaint is initiated, at the conclusion of the process, both parties will be informed in writing of the findings of the investigation and reminded of the university's relevant policies, including policies prohibiting retaliation.

In some instances, it may not be possible to determine whether sexual harassment has occurred. Allegations of sexual harassment that are not substantiated are not necessarily false allegations.

Disclosure

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the University's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in treating the complaint confidentially. The university's obligation to investigate and to prevent claims of sexual harassment means that it is not possible to guarantee that complaints of sexual harassment will be handled confidentially.

In the interests of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures, except as compelled by law, will be limited to the immediate parties and other appropriate administrative officials or as necessary to conduct a full and impartial investigation.

Disciplinary Action

Disciplinary action up to and including termination (employees) or dismissal (students) may be taken against persons found to have engaged in sexual harassment or found to have willfully made a false or frivolous accusation of sexual harassment. The specific disciplinary action will be determined by the nature and seriousness of the offense. In all cases where disciplinary action is recommended, pertinent procedures in the *Staff Handbook*, the *Faculty Handbook*, the applicable student catalog or handbook and/or the applicable university policies are to be followed.

If a thorough investigation of a complaint substantiates that formal disciplinary action is warranted because either sexual harassment has occurred or a false report of sexual harassment has been made, the compliance officer will report the findings to the appropriate vice chancellor, the Dean of Students, or the Dean of the Graduate School, who is responsible for initiating disciplinary action. Any disciplinary action is subject to all applicable University policies. The disciplinary action shall be implemented within 30 days of the notification to the vice chancellor or dean. The compliance officer will monitor the implementation of the disciplinary process and its timeliness.

Record Keeping

Investigation records will be kept in employee personnel files only if a complaint of sexual harassment is substantiated and disciplinary action is taken. All other investigation records will be kept only for statistical purposes and to document that the university has responded to complaints. This provision shall not prevent the retention of personnel records where a finding of a violation of the University's Sexual Harassment Policy was not sustained but where administrative action was determined to be appropriate.

Records maintained by the compliance officer to document that the university has responded to all complaints include information concerning the receipt of the complaint, the notification of the person against whom a complaint is made as well as his or her response, the steps taken to investigate the complaint, and indicate whether the complaint was substantiated. All written statements obtained, as well as summaries of witness interviews, will be included in the documentation. If the complaint is substantiated, the records will document actions taken to stop the harassment and to remedy its effects. If the complaint is not substantiated, all records pertaining to the complaint will be marked and treated as confidential, except as required by law or to the extent pertinent to investigation of any subsequent matters.

Statistical Review

The compliance officer will meet with the Chancellor when deemed necessary by the compliance officer to review any complaints or concerns arising under this policy.

Training

All organizational units must make reasonable efforts to provide sexual harassment training for their employees each year. All new employees should receive a copy of the Sexual Harassment Policy and sexual harassment training within the first six months of beginning employment. All employees should receive refresher training from the Office of Equal Opportunity and Compliance or its designee every three years.

Appendix A

The following are some examples of behavior that the courts have found to constitute either *quid pro quo* or hostile atmosphere sexual harassment. The list is not inclusive; other behaviors not included on the list may be sexual harassment. And most of the behaviors

listed, *if they are welcome by the person at whom they are directed*, would not be sexual harassment. An important distinction is that sexual harassment must be unwelcome.

Sexual harassment can take many forms. Most sexual harassment falls into three categories: verbal, physical, and written or visual.

Verbal sexual harassment may include, but is not limited to:

- sexual innuendoes, comments, and suggestive remarks about clothing, a person's body, or sexual activities;
- suggestive or insulting sounds;
- whistling in a suggestive manner;
- humor and jokes about sex;
- sexual propositions, invitations, or other pressure for sex; and
- implied or overt threats.

In most cases, a single offensive epithet would not constitute sexual harassment.

Physical sexual harassment may include, but is not limited to:

- patting, pinching, feeling, or any other intentional inappropriate touching;
- brushing against the body;
- making obscene or offensive gestures;
- attempted or actual kissing or fondling;
- coerced sexual intercourse; and
- assault. (See the University of Arkansas Sexual Assault Policy)

Written or visual sexual harassment may occur when the following types of materials are directed to a specific individual or when people cannot reasonably avoid seeing them (the list is not inclusive):

- pictures or drawings of a sexual nature;
- sexually derogatory pin ups, posters, cartoons, magazines, or calendars;
- messages, words, comments, rhymes, or other writing of a sexually derogatory or suggestive nature.

APPENDIX D - Use of Alcoholic Beverages on University Facilities

USE OF ALCOHOLIC BEVERAGES ON UNIVERSITY FACILITIES

University of Arkansas Board Policy No. 705.2

http://vcfa.uark.edu/Documents/BOTPol_0705_2.PDF

Possession and use of alcoholic beverages in public areas of University facilities (including organized houses) and at official University student functions held on campus must follow state and federal laws and university policies at all times. Each campus shall establish policies to be approved by the Chancellor regarding the use of alcoholic beverages on and off campus for student and non-student events. Other units of the University designated by the President shall develop such policies for approval of the President. Irresponsible behavior while under the influence of alcoholic beverages is not condoned and may be subject to review and/or action by the appropriate judicial body. The Board directs each campus to develop an alcohol awareness and use policy which shall be made available to its new and continuing students each fall. June 6, 1997

APPENDIX E - Protest Activities and Demonstrations

Protest Activities and Demonstrations

Protest Activities and Demonstrations Student protest activities or demonstrations are fully permitted, subject only to the provisions herein stated and to University policies and procedures respecting the use of University facilities and policies regarding outside speakers and performers, unless such activities or demonstrations:

- a. Interfere with campus order and access, the normal functioning of the University, or the rights of other members of the University community;
- b. Result in injury to individuals on the campus, damage to individual or University property or unauthorized attempted or actual entry into University buildings;
- c. Interrupt the proceedings of a scheduled University or student-sponsored program, activity, or event (permission to participate in such events must be granted by the sponsoring organization prior to the program itself);or
- d. Present a clear and impending threat to the safety of individuals, to University property, or to the University community generally. Students who organize or participate in the prohibited activities described herein, or students who attempt to interfere with legitimate demonstrations and activities, are subject to appropriate disciplinary action.

APPENDIX F - Code of Computing Practices

Code of Computing Practices

Individuals who are granted computing accounts or who use computing resources at the University accept the responsibilities that accompany such access. Each user is expected to use University accounts and resources for educational, research, or administrative purposes; except as otherwise provided in this code. Activities unrelated to these purposes are prohibited. Use of computing resources in violation of the regulations set forth in this code will be reviewed through established University procedures for student and employee misconduct. Restrictions imposed on usage of computer and network systems may be challenged through the same procedures. A complete copy of the Code of Computing Practices can be obtained from the Department of Computing Services, telephone 575-2905, or by visiting <http://its.uark.edu/code.html>

APPENDIX G - Prohibition of Pets

Prohibition of Pets

http://vcfa.uark.edu/Documents/FayPol_Facilities_7180.pdf

For the interest of promoting greater personal safety, a more healthful environment, and increased maintenance efficiency in residence halls, Greek houses, and academic buildings, pets are prohibited. Exceptions to this policy are limited to guide dogs for the visually disabled; animals, fish, fowl or reptiles under the control of and used by academic departments for approved teaching and/or research purposes; and those animals, fish, fowl or reptiles used in approved art performances. In addition, University Housing and the Arkansas Union have specific pet policies that are published and enforced.

APPENDIX H - Firearms and Other Weapons

Firearms and Other Weapons

http://vcfa.uark.edu/Documents/FayPol_Admin_2240.pdf

Firearms, explosives, air guns, and other similar weapons not supervised by the ROTC Departments may not be kept or used on the campus or in University buildings, residence halls, or fraternity or sorority houses.

Arkansas State Statutes Regarding Firearms and other weapons:

If a person carries a knife with a blade three and one-half inches (3-1/2") long or longer, this fact shall be prima facie proof that the knife is carried as a weapon. € 5-73-306. PROHIBITED PLACES.

No license issued pursuant to this subchapter shall authorize any person to carry a concealed

handgun into any school, college, community college, or university campus building or event, unless for the purpose of participating in an authorized firearms-related activity.

APPENDIX I – Tobacco Policy

Fayetteville Policies and Procedures Smoking and Tobacco Use Policy 724.0

A. Smoking and the use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, and other tobacco products), as well as the use of electronic cigarettes, by students, faculty, staff, contractors, and visitors, are prohibited on all property owned or operated by the University of Arkansas.

B. Smoking and the use of tobacco products (including cigarettes, cigars, pipes, smokeless tobacco, and other tobacco products), as well as the use of electronic cigarettes, are prohibited at all times:

1. On and within all property, including buildings, grounds, and athletic facilities, owned or operated by the University of Arkansas;
2. On and within all vehicles on University property, and on and within all University vehicles at any location.
3. The University prohibits campus-controlled advertising, as well as the sale or free sampling of, tobacco or smoking-related products on campus.
4. Littering campus with remains of tobacco or smoking-related products is prohibited.
5. All those attending public events, such as conferences, meetings, public lectures, social events, cultural events, and sporting events using University facilities shall be required to abide by this policy; organizers shall communicate this policy to attendees and shall enforce the policy.

F. Campus organizations are discouraged from accepting money or gifts from tobacco companies.

APPENDIX J - Inclement Weather Policy

Inclement Weather Policy

<http://vcfa.uark.edu/Documents/2100.pdf>

The general policy regarding inclement weather is that the University does not close its offices because of bad weather. However, the obligation to provide services to our students must be balanced with the risk of danger to our employees. It is, therefore, appropriate that guidelines which reflect the needs of our students and the safety of our employees be established and made known. The following is the University's weather policy:

It is the policy of the University to remain open regardless of weather conditions. Each person is expected to make his or her own determination to work. Those personnel who do not report to work because of weather conditions will be charged "annual leave". With the approval of the supervisor, an employee may elect to use "leave without pay" in lieu of "annual leave". This will be considered and excused absence. However, individual departments may develop and implement additional policies concerning requirements for essential personal leave during periods of inclement weather.

Employees should make every attempt to get to work within the bounds of their personal safety. In the event of early morning inclement weather conditions, the University recognizes that normal routines may be disrupted. If the University remains open but an inclement weather day is officially declared, employees arriving within two (2) hours of their normal starting time will be given credit for a full day's attendance. Employees arriving later will be charged the full amount of time involved in their tardiness, and employees not coming to work will be charged a full day's absence.

In cases where the weather has caused hazardous driving conditions, the University may be closed and if such conditions prevail at 5:00 A.M., the closure will be for the day. Announcements of the University's closing are given to the University's radio station (KUAF, 91.3) and other local radio and TV stations for broadcast. Closing information is also available through the University's website, voicemail, or by dialing 479-575-7000. Because our closing is so rare, we must sometimes ask your help in notifying people that we are returning to our normal operations after a closing. The only people authorized to report the University's closing because of weather conditions are the Manager of Media Relations and the Associate Vice Chancellor for University Relations. Please refer to Academic Policy 1858.10 regarding the class cancellation policy due to inclement weather.