

STUDENT CODE OF CONDUCT



Purpose:

University of the Ozarks expects students to maintain standards of personal and social behavior that uphold the mission and values of the institution. University of the Ozarks students are expected to contribute to the development and sustenance of a community characterized by respect, care and honesty.

The Student Code of Conduct encourages students to take responsibility for positively contributing to our living and learning community. The University affords certain rights to students and expects in return that students will conduct themselves in a mature and responsible manner that best represents the institution and themselves. If, however, the behavior or conduct of a student infringes on other members of the community or negatively impacts the institution, the University reserves the right to address the behavior through the conduct process prescribed herein. Students are responsible for being fully acquainted with all rules and regulations pertaining to students, and for complying with them accordingly.

By enrolling at University of the Ozarks, a student agrees to assume the obligation to conduct themselves in a manner that is civil and compatible with the University's mission and function as an educational institution. Students agree that their rights can only be honored when they agree to honor the rights of other members of the campus community. In a community of learning, willful disruption of educational processes, destruction of property, and interference with the overall orderly processes of the University, or with the rights of other members of the University, cannot be tolerated. The University has the authority and responsibility to exclude those whose personal values are incompatible with those of the University.

The Student Rights and Responsibilities apply to behaviors that take place on campus, at university sponsored events, and in all other circumstances. The Dean of Students or designee will determine what behavior meets this criteria. The Student Rights and Responsibilities also apply to a student's visiting guests. If a guest violates the Student Rights and Responsibilities, the host will be held accountable for their guest's behavior through the Student Conduct process.

The University and the Law

Alleged violations of federal, state and local laws may also be investigated and addressed through the University's Student Conduct process. The University of the Ozarks Student Conduct process will operate independently of any criminal proceeding that may arise from the same incident. Students will be held accountable both to law enforcement authorities and to the University for behavior that constitutes both a violation of the law and the Student Code of Conduct.

Student Rights & Responsibilities

University of the Ozarks seeks to maintain an environment where students have the following rights:

- **Expression:** Students can freely examine and exchange diverse ideas in an orderly and respectful manner;
- **Association:** Students can associate freely with other individuals, groups of individuals and organizations, for purposes which do not infringe on the rights of others, or the mission of the University;

- Freedom from Discrimination: Students can expect to participate fully in the University community without discrimination, as defined by federal and state law, as well as University policies;
- Safe Environment: Students can function in their daily activities without unreasonable concerns for personal safety;
- Support: Students have access to support in understanding self and others;
- Grievance Processes: Students are provided with procedures for respectfully presenting and addressing their concerns/complaints to the university; and
- Personal Growth: Students live and study in a setting that promotes personal growth.

Student Conduct Authority and Responsibility

The University has developed guidelines and regulations for student conduct which will enhance and support the undertaking of a nurturing and respectful environment for learning and living. Responsibility for the student conduct system is delegated to the Dean of Students, who is the chief student conduct officer of the University. Professional Residential Life staff members and other trained administrators/staff members may be designated as conduct officers, at the discretion of the Dean of Students.

The Code of Student Conduct and the associated procedures cover all University of the Ozarks students (whether residing on or off campus). When alleged violations of University regulations or local, state, or federal laws or statutes take place off campus and come to the University's attention, the University reserves the right to take appropriate action. The Student Code of Conduct and the procedures through which it is implemented will also apply to students studying abroad.

Student Conduct Definition of Terms

Conduct Conference: A meeting a staff member from the Office of Student Affairs or other designee, involving students accused of alleged violations of university policy.

Conduct Officer: Any individual authorized by the Dean of Students to evaluate whether a student has violated the Student Code of Conduct and recommend University sanctions.

Member of the University Community: Any individual who is a student, faculty member, staff member, or any other person representing the University.

University Conduct Board: A trained conduct board may be comprised of faculty, staff, and/or students. The board may be assigned to hear conduct cases and/or appeals, including cases in which the outcome involves a sanction of suspension or expulsion.

Sanction: An action taken by the University in response to a violation of the Student Code of Conduct. The purpose of such action is to establish expectations which uphold the mission of the University as well as to help students recognize acceptable boundaries of their actions and the consequences of future choices.

Students: All individuals taking courses at University of the Ozarks, both full and part-time. Individuals, who are on internship/rotations, even if not earning credit, are also considered students. Individuals, who have a continuing relationship with University of the Ozarks even if they are on leave, are also considered students.

University Official: Any person employed by the University performing assigned administrative or professional responsibilities, including student staff members.

University Premises: All land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by University of the Ozarks, as well as property contiguous to such land, buildings, and facilities.

Advisor: Any individual a student selects to be present if elected in a Student Conduct meeting. If an individual does not have someone to elect as their advisor, the Dean of Student will aid in helping you finding one.

Procedures for violations in the Student Rights and Responsibilities:

The Dean of Students serves as the senior student conduct officer for the University and any reports of alleged violations of the Student Code of Conduct, Residential Life Policy, University Policy, and/or Student Rights and Responsibilities are received in the office of the Dean of Students. The reports may be received from faculty, staff, students, or from the community.

If you suspect a member of the University of the Ozarks community is in violation of the Student Code of Conduct you should notify the Dean of Students. The Dean of Students will review the information and refer the report to Conduct Officer.

Procedural Protections for Accused Students

Accused students are responsible for fully familiarizing themselves with the procedural protections set forth herein, and for presenting any questions regarding the process prior to scheduled conduct conferences and hearings. Students who are accused of violating the Student Code of Conduct are entitled to the following procedural protections.

- Notice of any scheduled conduct conferences or hearings.
- Notice of the alleged violation, likely to occur at the beginning of the conduct hearing.
- Ability to offer a relevant response to an alleged violation and alleged misconduct.
- Ability to challenge the appointment of any hearing board member with prior knowledge of the events which are the subject of the hearing (does not apply to conduct conferences).
- Written notification of the outcome of the conduct conference or hearing.
- The right to privacy in the conduct conferences and hearings and record keeping, in accordance with the terms of the Family Educational Rights and Privacy Act (FERPA) of 1974 and any other relevant federal or state regulations.
- Ability to appeal sanctions assessed in a conduct conference or hearing.

Violations which occur during peak times, including but not limited to final exam weeks, may result in the forfeiture of certain procedural protections in order to resolve the matter in a timely manner. The University reserves the right to adjust the conduct process as it determines necessary in order to assure fairness, order, efficiency or the physical and emotional security of individuals.

Statement on Victims

The University will take reasonable measures to assist students who are victims of acts by other students that violate the Student Code of Conduct and/or other University policies. The Dean of Students or a designee will meet with student victims and discuss the student conduct process as well as reasonable options which are available to assist victims in continuing their educational experience at the University.

Prohibited Student Conduct

The behaviors detailed below provide students with general notice of prohibited conduct. The list is not designed to be all-inclusive, but should serve as an example of behavior deemed unacceptable, and thus be broadly read. The

following actions, in addition to violations of all other rules and regulations relating to students, constitute conduct for which students may be sanctioned, whether such conduct occurs on or off campus.

1. Endangering or causing physical harm to any person. Causing reasonable apprehension of such harm. Other conduct which endangers the health or safety of any person including, but not limited to: verbal abuse, threats, intimidation, harassment or coercion. Harassment via electronic modes of communication, including but not limited to: electronic mail, text messaging, and Internet sites.
2. Sexual misconduct, sexual assault, attempted sexual assault, other non-consensual sexual activity, or sexual harassment. See the University Title IX policy for additional information.
3. Attempted or actual theft, wrongful appropriation, and/or damage to property or of services belonging to the University, a member of the University community, or other entities permanently or temporarily associated with the University, or knowingly possessing stolen property. Damage to, destruction of, vandalizing, and/or unauthorized selling of University property or property belonging to others.
4. Dishonesty or furnishing false information to the University. Furnishing false information to the University during the investigation or hearing of a disciplinary matter.
5. Forgery, alteration, destruction, or unauthorized use of University documents, records, and/or instruments for identification.
6. Littering or dumping trash on grounds or common areas.
7. Having a registered or unregistered vehicle with the University which has been cited with an excessive number of parking violations. Violation of rules and regulations governing the use of motor vehicles on University property, University premises or at University sponsored activities.
8. Failure to satisfy promptly, after notice, all financial obligations with the University and/or agencies either permanently or temporarily associated with the University.
9. Unauthorized use, access, or misuse of the University's information technology and computing resources and/or facilities.
10. Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, misusing or damaging fire or life safety equipment. Maturing or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University property, University premises or at University sponsored activities.
11. Possession, use or storage of, while on university property or university premises, any weapons or incendiary devices including but not limited to, firearms, air, bb, pellet and paintball guns, tasers/stun guns, knives, fireworks, or ammunition. The weapons policy is further defined in the University Policies weapons section.
12. Sale, attempted sale, use, distribution, manufacture, dispensing, or possession of any controlled substance, alcohol (when unauthorized), illegal drugs or synthetic analog to a drug, or drug paraphernalia on University property, University premises or at University sponsored activities.
13. Refusal or failure to respond to a request to report to a University administrative office, a conduct conference, or conduct hearing board.
14. Failure to comply with the directives of, failure to provide University of the Ozarks ID, or failure to identify oneself to (upon request) to University officials acting in the performance of their duties.
15. Disorderly conduct, lewd, indecent or obscene behavior, or public intoxication on University property, University premises or at University sponsored activities.
16. Students are expected to obey all state and federal laws regarding the possession, consumption, and distribution of alcohol. See Residential Life and University alcohol policy for further information.
17. Interfering with, obstructing, or disrupting normal University or University sponsored activities, including but not limited to studying, teaching, research, conduct proceedings, University administration, residence hall living, student activities, or fire, police or emergency services. Verbally threatening, abusing or harassing University officials acting in the performance of their duties.
18. Violating the terms of any conduct sanction imposed in accordance with the Student Code of Conduct.

19. Failure to appear and give testimony at University conduct proceedings, following proper notification.
20. Interfering with the freedom of expression of others on University premises or at University sponsored activities.
21. Failure to report violations of local, state, or federal law, whether such conduct occurs on- or off-campus.
22. Use of electronic or other devices to make an audio or video record of any person where there is a reasonable expectation of privacy without the person's prior knowledge or express consent. This includes, but is not limited to individual rooms, showers, locker rooms or restrooms.
23. An attempt to commit or to be an accessory to the commission of any act in violation of the Student Code of Conduct or other rules and regulations pertaining to students. Inciting other students to violate the Student Code of Conduct or other rules and regulations pertaining to students.
24. Participation in, or inciting of, activities which disrupt the normal operations of the University, infringe on the rights of other members of the University community, and/or obstruct the freedom of movement, either pedestrian or vehicular, on University property and premises.
25. Unauthorized use of, tampering with, or entry into University facilities and/or unauthorized possession of keys or other instruments of access to facilities.
26. Hazing, defined as an act which endangers one's mental or physical health or safety, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as condition for continued membership in a group or organization.
27. Use of Hover boards on University property.
28. Students or guests in custody of an animal, shall require the animal be on a leash at all times while on University property. Animals are prohibited from University facilities, with the exception of registered service animals. *Please see the Emotional Support Animal policy, for more information.*

Referral to Student Conduct Conferences and Hearing Boards

The conduct process is an educational tool that assists the University in determining responsibility for misconduct, and provides a method to redirect behaviors toward patterns more acceptable to the University community.

Upon receipt of reports or other information which allege a potential violation of the Student Code of Conduct or other rules and regulations pertaining to students, the Office of Student Affairs staff members will conduct a preliminary review of the matter. Students will typically be referred to an informal conduct conference with a staff member from the Office of Student Affairs or other designee. Students may also be referred to a formal hearing before a designated hearing board (as described in proceeding sections of this Code). The Dean of Students has full and complete discretion to refer any and all student cases to the hearing venue deemed most appropriate. During periods when timely hearing procedures cannot be conducted, and in instances when the number of cases to be heard cannot be scheduled in a timely manner, alternative procedures may be adopted to efficiently and fairly resolve cases. Students should be advised that conduct violations which disrupt the academic endeavors of the institution, such as those occurring during final exam week, may result in the forfeiture of certain procedural protections in order to resolve the matter in a timely manner.

Failure to Participate/Appear

Students scheduled to be present at a conduct conference or hearing board are expected to appear as scheduled. Students who fail to appear will be considered in violation of *Prohibited Student Conduct* (“Refusal or failure to respond to a request to report to a University administrative office, a conduct conference, or conduct hearing board”). A conference or hearing will be held in the student's absence, and the student will be notified in writing of the sanction(s) imposed.

Closed Proceedings

All preliminary meetings, conduct conferences, and hearings are closed processes open only to Conduct Conference Officers, Hearing Board members, the accused student(s), and relevant called witnesses. The disciplinary process serves an educational rather than legal purpose; therefore students are not allowed legal or parental representation during a conduct conference or hearing, unless express written permission to that effect has been granted by the Dean of Students or their designee.

Concurrent Civil or Criminal Action

Disciplinary action may be initiated against a student charged with a violation of local, state or federal law which is also a violation of the Code of Conduct and/or other rules and regulations pertaining to students when both violations result from the same factual situation, without regard to pending civil litigation, criminal arrest, and/or prosecution. Conduct proceedings as set forth in this Code may be carried out prior to, simultaneously with, or following external civil or criminal proceedings.

Conduct Conferences

Students accused of alleged violations will typically be referred to an informal conduct conference with a staff member from the Office of Student Affairs or other designee, referred to as the "Conduct Officer". The Dean of Students or Designee will determine when it is appropriate to convene the University Conduct Board to address a conduct case or appeal. Students will be provided with reasonable notice of a scheduled conduct conference. At such a conference, students will be provided with notice of the alleged violation and an account of the alleged misconduct upon which the violation is based. Students will be afforded the opportunity to offer a relevant response to the alleged violation and alleged misconduct. Accused students will be required to answer fully any questions asked of them by the Conduct Conference Officer. During the course of the conference, students are expected to uphold the Code of Conduct and be honest at all times. For a student to be found responsible for violation the Code of Conduct and/or any other rules and regulations pertaining to students, it should be determined that it is more likely than not that an alleged violation occurred.

If the Conduct Officer does not believe additional investigation is warranted, a determination as to responsibility will be made, and if applicable, a sanction determined. The Conduct Conference Officer will provide the student with written notification of the outcome of the conduct conference.

University Conduct Board

The University Conduct Board is authorized to handle violations of University regulations and policies and review conduct appeals. The University Conduct Board is typically comprised of faculty, Student Affairs staff members, and/or students and is chaired by the Dean of Students or his/her designee. The University Conduct Board is authorized to hear cases which may result in sanctions up to and including expulsion from the University.

Following the assignment of a case to a the University Conduct Board, the Dean of Students, or his/her designee, will provide the accused student with written notice of the alleged violation; an account of the alleged misconduct upon which the violation is based; and the date, time, and location of the scheduled hearing.

The Board will conduct the hearing in a manner consistent with the conduct process of the University. Following the hearing, the Board will provide the recommended finding(s) and sanctions for the student and notify the Dean of

Students. The Dean of Students will then formally notify the student in writing of the findings and sanction(s) to be imposed.

During the course of a conduct hearing, students are expected to uphold the Code of Conduct and be honest at all times. The accused student will be required to answer fully any questions asked of him/her by members of the hearing board. Additionally, the hearing board will have the right to require the presence and testimony of witnesses relevant to the case. As a condition of their enrollment at University of the Ozarks, students are required to appear as witnesses and give testimony unless excused for cause. Students who fail to appear after proper notice will also be considered in violation of Prohibited Student Conduct (*“Refusal or failure to respond to a request to report to a University administrative office, a conduct conference, or conduct hearing board”*).

Should the hearing board decide it requires additional information or testimony to resolve the case, a second hearing date will be scheduled to review this information.

During the process of deliberation regarding responsibility and sanctions, Board members will make decisions based on the information available for their review, including, but not limited to, all testimony from witnesses, written statements, and other relevant information. Hearsay may be considered in the deliberation process. For a student to be found responsible for a violation of the Code of Conduct and/or all other rules and regulations pertaining to students, it should be determined that it is more likely than not that an alleged violation occurred. The student will be provided written notification of the hearing outcome.

Procedures for reviewing misconduct by student groups

Student groups may be accused of violating the Student Code of Conduct, and be held responsible either individually or collectively, if violations by those associated with the group received the tacit or overt consent or encouragement of the group or its officers. Possible violations will be referred to the Office of Student Affairs for processing under the provisions of the Student Code of Conduct. Sanctions for a student group may include revocation of the group's recognition by the University, as well as other appropriate sanctions.

Cases involving student groups will normally be heard by the Dean of Students/Designee, or a designated student conduct board. Student groups will be accorded the same hearing and appeal procedures provided for students herein, except where noted in the following section.

Procedural Protections for Accused Student Groups

Student groups accused of violating the Code of Conduct and/or other University of the Ozarks policies are entitled to the following procedural protections.

1. Notice of any scheduled conduct conferences or hearings.
2. Notice of the alleged violation.
3. Opportunity to offer a relevant response to the alleged violation and alleged misconduct.
4. Opportunity to challenge the appointment of any hearing board member with prior knowledge of the events which are the subject of the hearing (does not apply to conduct conferences).
5. To receive written notification of the outcome of the conduct conference or hearing.
6. To appeal sanctions assessed in a conduct conference or hearing.
7. Groups accused by the University will not have the opportunity to question persons who have filed reports adverse to them, as the University serves as the complainant in these cases.

Sanction Information

The purpose of disciplinary sanctions is to redirect students' behaviors toward patterns more acceptable to the University community, if such redirection is feasible; and/or to protect the University community from possible harm or injury. This information is promulgated to assure that students are aware of the potential consequences of their misconduct.

Sanctions for misconduct will be determined on a case to case basis, utilizing three main criteria:

1. The nature of the offense;
2. The precedent, if any, established at the University for similar offenses; and
3. The previous disciplinary history of the student, if any, and the student's attitude and behavior throughout the disciplinary process.

Students should be aware that a history of conduct violations may affect their housing assignments if they are residential students. Students, who fail to comply with University directives and/or conduct sanctions, may have holds placed on the release of their grades, records and/or transcripts by the Student Affairs Office.

Formal Sanctions

The University may impose any of the following sanctions on a student or group of students.

Educational or Developmental

Educational or Developmental sanctions are required activities intended to engage the student in a positive learning experience related to the student's inappropriate behavior. Positive Actions should allow students to reflect upon their inappropriate behavior, to learn about the behavior in which they engaged, and to gain an understanding of why it is inappropriate or unacceptable. Such actions may include engaging in a campus or community service project, attending or presenting a program related to the implications of the student's conduct, writing a paper, or engaging in some type of personal assessment or counseling.

Non-paid work for the University or for a specified administrative area of the University may be assigned to students, in addition to any other sanctions which may be imposed. Students may also be required to perform community service work in a specific field related to their violation. Community service hours required to fulfill a sanction may not be applied toward individual organization requirements.

Warning

A warning serves as notice to a student, either written or verbal, that he/she has failed to meet the University's expectations for student conduct. The warning will include a caution that the continuation or repetition of such behaviors will result in more serious penalties.

Restitution

A student whose actions deprive the owner of possession of, damage, deface or destroy any University or personal property, or create a financial expense to address impacts of said behavior shall be required to restore said property by replacement or by monetary reimbursement, in addition to any other sanctions which may be imposed. Restitution charges will be placed on the students' University accounts and must be paid in full immediately.

Fines

Monetary fines may be assessed against students as future deterrents of violations, in addition to any other sanction which may be imposed. Fines will be placed on the students' University accounts and must be paid in full immediately.

Notice to Parents

The University may at its discretion, and when it considers such action to be appropriate, notify the parents of students involved in disciplinary matters. Usually, the University, in compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, will only notify the parents of a dependent student as defined in Internal Revenue Code, section 152, (1954). However, as a condition of remaining at University of the Ozarks a student may be required to notify his/her parents of his/her disciplinary standing with the University.

The Higher Education Act of 1998 gave universities who receive federal funding authority to notify parents for any drug or alcohol violation. When the University believes it is in students' best interest, the Senior Vice President for Student Affairs Officer/Dean of Students or designee will require a student to contact his/her parents regarding their disciplinary status, and have the parents confirm this notification.

Residential Probation

Residential probation, in conjunction with other possible sanctions, is applied to cases in which residential students' behaviors are disruptive to the residential community. Students are placed on residential probation for a period of time, and any further violations during the probationary period may result in immediate removal from the residential facilities and additional conduct sanctions. (See "Suspension from Residential Facilities" below.)

Disciplinary Probation

Disciplinary probation is a notice to the student that his or her behavior is of such a nature as to place that student in jeopardy of removal from the University. A student is placed on disciplinary probation for a specified period of time, and specific obligations are outlined. During this period, the student must demonstrate the ability to comply with University rules, regulations and all other stipulated requirements. Any violation of this probation or other University policies may result in the student being immediately removed from the University community.

Suspension from Residential Facilities

Serious infractions of residential life regulations or patterns of misconduct may lead to the suspension of a student from the residential facilities. This sanction requires the immediate removal of the student from the residential community, cancellation of the housing contract, and forfeiture of any residential fees paid.

Deferred Suspension

Deferred suspension is used for repeated offenses of a less serious nature or for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Student Code of Conduct. If the student is found in violation of any university rule during the time of Deferred Suspension, the Suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has

been issued a Deferred Suspension sanction is deemed “not in good standing” with the university for the duration of the suspension period.

Interim Suspension

Students may be immediately suspended from the University for a period of time following a serious violation of policy, if it is determined an immediate and/or imminent danger may exist to the student, others, or property. This suspension will be implemented immediately and a conduct conference or hearing will follow. Typically, students placed on interim suspension are immediately removed from the campus and the residential facilities.

Students who are arrested and/or jailed by a law enforcement agency for a serious crime are subject to immediate interim suspension from the University, pending a review of the case by the Dean of Students or designee.

Suspension

Suspension from the University involves the exclusion of the student from participation in any academic or other activities of the University for a specified period of time. Written notification of this action will be provided to the student. Suspension from the University also involves the following:

1. The suspension will be noted on the student’s conduct record with the University;
2. The student will be withdrawn from all courses for the semester in which the violation occurred;
3. The student shall forfeit fees paid according to the normal refund schedule of the University;
4. The student is banned from campus, must refrain from visiting the University property, premises, or attending University-sponsored activities unless prior written permission has been granted by the Dean of Students; and
5. The suspension may include any other disciplinary action that is judged to be of value to the student.

Reinstatement from Suspension

When a student has concluded a suspension period, he/she must submit a letter to the Dean of Students requesting reinstatement and provide documentation that he/she has taken action to positively address the issues which led to the suspension. The student may return to the University only after the Dean of Students has made an affirmative decision in this regard, and been formally communicated to the student in writing.

Dismissal

Dismissal is permanent expulsion from the University; it may be ordered as a result of very serious violations and/or repeated offenses. In addition to forfeiting all tuition, room and board fees paid, the student suffers all the other losses and restrictions imposed upon suspended students. Dismissed students additionally forfeit all academic credit for all courses carried for the semester in which the violation occurred; and are never again eligible to apply for re-admission to the University at any time.

Departure from Campus Following Suspension or Dismissal

Any student, who has been suspended or dismissed from the University for conduct or other reasons, must leave the premises immediately after being notified of such action.

Postponement of Activity, Participation and Conferring of Honors and Degrees

The University reserves the right to delay or postpone the involvement of a student in any University-related activity, or delay or postpone the conferring of any honor or degree while any student conduct investigations or procedures, including appellate procedures, are pending.

Other Possible Sanctions

Other possible sanctions which may be assessed against students include, but are not limited to:

1. University facilities restrictions, with the exception of attending classes, or required class functions;
2. Restriction from extracurricular campus events and programs;
3. Notification sent to the student's academic advisor, academic Dean or program director, and when applicable, the Athletic Department and/or coaches, and/or the ROTC program;
4. Restriction from representing the University in any public performance, athletic event, committee, organization, or from holding any student government office or office in any recognized student organization, or participating in any organized University function;
5. Ineligibility to receive financial assistance from any funds provided by the University, including grants, scholarships, waivers, etc.;
6. Ineligibility to hold an on-campus job (i.e. work study, institutional or third party);
7. In addition to sanctions imposed by the University, sanctions imposed under Arkansas State Statutes may also apply. These statutes can be found in the Annual Safety and Security Report published by the Department of Public Safety.

Appeal Process

When a student or student group is formally notified of the findings from a conduct conference or hearing board, the student has the right to appeal the findings or results of the hearing to the Dean of Students. In cases initially heard by the Dean of Students, and when deemed appropriate by the Dean of Students, appeals should be directed to the University Conduct Board. In cases initially heard by the University Conduct Board, appeals should be directed to the Dean of Students. Such appeal requests must be filed in writing no later than three (3) University business days after receipt of the written results of the conduct conference or hearing. Appeals from students found responsible by the Conduct Conference Officer or hearing board will only be granted on the following grounds:

1. The sanction imposed is grossly disproportionate to the offense (including any consideration of the student's prior offenses).
2. The student was not afforded his/her procedural protections as outlined in the Student Code of Conduct, and this significantly affected the student's ability to receive a fair conference or hearing.
3. New and substantive information has become available since the initial conference or hearing which would have significantly altered its results.

In most cases, the Dean of Students will only review written appeal requests, the case file, and written findings from a Conduct Conference or Hearing Board. A new conduct hearing will not be held. All sanctions assessed from a conduct conference or hearing board will remain in effect during the appeal period and process, until such time as they are reversed or modified.

Following review of the appeal request, the Dean of Students or University Conduct Review Board may elect to void the decision, uphold the decision, alter the sanctions, or return the case to the Board or Officer for further consideration. The decision of the Dean of Students and/or University Conduct Review Board in all appeal reviews will be final.

Maintenance of Records

When a student is accused of violating the Student Code of Conduct, a conduct file is created. This file contains all the information pertinent to the situation in which a student has been involved. Each subsequent time a student is accused of violating the Student Code of Conduct, his/her prior record may be used by the Conduct Conference Officer(s) or Hearing Board in determining sanctions. Such records shall be maintained by the Office of Student Affairs, until the graduation of the student from the University, or as deemed necessary by the Dean of Students.

Special Administrative Evaluation

The University reserves the right to deny admission, continued enrollment, or re-employment to any applicant or student as a result of the University receiving information, or the applicant's or student's failure to disclose information, on the admission or employment application, regarding a student or employee whose personal history and background indicate that his or her presence at the University would endanger the health, safety, welfare or property of him/herself or members of the academic community, or interfere with the orderly and effective performance of the University's functions.

A student may be subject to special requirements or sanctions, including suspension or dismissal from the University, for actions not otherwise covered in the Student Code of Conduct if it is determined from the student's behavior that he or she:

1. Lacks the capacity to understand the nature of the accusation against him/her, or to respond and participate in the disciplinary process;
2. Poses a danger to him/herself or others; and/or
3. Has become gravely disabled (lacks the ability to care for himself/herself).

In such instances, the case will be referred to the Dean of Students or designee, who may schedule an evaluation of the student by appropriate medical and/or mental health care professionals either on or off campus. Students must consent to evaluation as a condition of their enrollment or continued matriculation. Any student who refuses to participate in any such evaluation may be dismissed or suspended as determined appropriate by the Dean of Students or designee. The student may also elect to seek an independent medical or psychological evaluation (at their own expense), for purposes of this review.

In addition, it may be necessary for the safety and health of the student and or community that he/she be transported to a treatment facility. If the University and/or its agents deem necessary, community authorities will be contacted in order to assist in this regard.

The University reserves the right to adjust the Conduct Process as it determines necessary in order to assure fairness, order, efficiency or the physical and emotional security of individuals.