

CODE OF STUDENT LIFE

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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.

Interpretations of provisions within the *Code* may be requested by contacting the Associate Vice Chancellor for Student Affairs.

STUDENT RESPONSIBILITY ON CAMPUS AND OFF CAMPUS

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 community. Policy setting and enforcement (discipline) are ways of educating students to become conscientious members of that community, and students are expected to conduct themselves in a responsible manner at all times, whether on or off campus.

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 on campus, they may be subject to the formal judicial process of the University and/or appropriate legal action.

If students or student organizations are reported by community members for possible violations of the law off campus, 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 Dean of Students or designee for discussion of the incident. Off campus behavior which may have a significant impact on the mission of the University may be subject to formal University disciplinary action.

I. STUDENT CONDUCT AND DISCIPLINARY PROCEEDINGS

A. IDENTIFICATION OF STUDENTS ON CAMPUS

1. 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 to an appropriate University official. A person may be asked to present some form of identification.
2. If any person refuses or fails upon request to present evidence of his/her identification and it reasonably appears that the person has no legitimate reason to be on the campus or in the facility, the person may be ejected from the campus or facility.

B. STUDENT STANDARDS OF CONDUCT

Students share in 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 in relation to the severity of the offense and/or in relation to being found responsible on multiple occasions.

Notwithstanding actions taken by state or federal authorities, or private litigants, the Associate Vice Chancellor for Student Affairs or designee may initiate disciplinary proceedings as outlined in Section I, II, and/or IV against a student or group who is suspected of violating or attempting to violate this *Code* or other applicable University rules or governing laws, including the following:

1. Inflicts or threatens bodily harm upon any person, or acts in a manner which creates a risk of bodily harm to any person.
2. Harassment, abuse, coercion, or threatening another by means other than the use or threatened use of physical force (see Appendix K)
3. Conducts himself/herself in a manner that significantly interferes with the operations of the University. This includes but is not limited to disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
4. Conducts himself/herself in a manner that significantly endangers the health or safety of members of the University community or visitors to the campus.
5. Discriminates against any member of the University community or visitor on the campus through offensive behavior of a biased or prejudiced nature related to one's personal characteristics, such as race, color, national origin, sex, religion, disability, age or sexual orientation. (See Appendix A)
6. Sexually harasses any member of the University community or visitor on the campus in violation of University policy (see Appendix B).
7. Sexually assaults any member of the University community or visitor on the campus in violation of University policy (see Appendix C).
8. Stalks any member of the University community or visitor on the campus (see Appendix D).
9. Engages in disorderly conduct including but not limited to verbal abuse or inappropriate behavior (see Appendix E).
10. Damages, defaces or destroys property.
11. Takes, possesses, uses, or attempts to take or possess without permission, property belonging to the University, a member of the University community, or any other personal or public property.
12. Possesses firearms in violation of law or University policy (see Appendix F).
13. Possesses weapons, other than firearms in violation of law or University policy (see Appendix F).
14. Possesses, uses, or distributes an alcoholic beverage in violation of law or University policy (see Appendix G and Appendix H).
15. Is visibly overcome or publicly intoxicated by alcohol.
16. Uses or possesses a controlled substance or narcotic (see Appendices H and I).
17. Possesses and/or uses drug paraphernalia (see Appendices H and I).
18. Sells or intends to manufacture a controlled substance or narcotic (see Appendices H and I).
19. Tampers with life safety equipment.
20. Sets a fire in or on university property or in violation of law or University policy (see Appendix J)
21. Possesses or uses any explosive device including but not limited to firecrackers, cherry bombs, bottle rockets and dynamite.
22. Engages in hazing (see Appendix K).
23. Forges, alters, destroys, misuses, or possesses University documents or records without authorization. Violations include but are not limited to forgery of applications for financial

- aid, admission, course changes or course credit, copying or misuse of parking permits, or alterations of transcripts or student identification cards.
24. Possesses, duplicates or uses keys to any University premises without authorization and/or enters/uses University premises without authorization.
 25. Gambles for money or other items of value on University premises; this includes playing of cards or other games of chance or skills for money or other items of value.
 26. Lends, sells or otherwise transfers a student identification card. This includes but is not limited to the use of a student I.D. and/or meal card if not its original holder.
 27. Organizes or participates in activities which are in violation of University policy related to demonstrations and/or assemblies (see Appendix L).
 28. Misuses a University computer or otherwise violates the Code of Computing Practice (see Appendix M).
 29. Creates a disturbance in violation of University policy and/or the local sound ordinance (see Appendix N).
 30. Misuses University telephones or equipment. This includes but is not limited to the use of University phones or equipment without consent of those responsible for their control.
 31. Keeps or brings a pet on University premises in violation of the University policy (see Appendix O).
 32. Is in violation of University of Arkansas Housing policies and procedures. (see Section III)
 33. Is in violation of any Arkansas state and/or federal criminal law (see Appendix P).
 34. Fails to comply with orders or directives of University officials, University hearing bodies, University Police or any other law enforcement officers acting in performance of their duties.
 35. Furnishes false or misleading information to a member of the faculty, staff, student, or law enforcement official acting in an official capacity.
 36. Conducts himself/herself in a manner, 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.
 37. Tampers with the election of any University-recognized student organization.

C. INITIATION OF DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION

Under the direction of the Chancellor, and subject to other University policies, the Vice Chancellor for Student Affairs 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 Vice Chancellor for Student Affairs to the Associate Vice Chancellor for Student Affairs and the Dean of Students. The Dean of the Graduate School will be notified in all cases involving graduate students.

1. Disciplinary Correspondence

Disciplinary correspondence regarding a formal hearing under the *Code of Student Life* will be sent to the student's most current address listed with the University Registrar's Office by certified mail, return receipt requested. However, the University reserves the right to use other reasonable means to notify students.

a. Filing Complaints

- 1) Any academic or administrative official, faculty member, staff member, or student may file a verbal or written complaint with the Office of the Dean of Students against any student or student organization for misconduct.

- 2) While action on a complaint of violating a University regulation is pending, the status of the student or student organization shall not be altered except for reasons outlined in subsection **g** or **h** below, or as otherwise provided for in University policy.

b. Presumption of Innocence

Subject to all other provisions of the *Code*, any student or student organization charged with an infraction under this *Code* shall be presumed not responsible until proven responsible by a preponderance of evidence.

c. Preliminary Investigation

When the Dean of Students or designee receives information that a student or student organization has allegedly violated University policies or local, state, or federal law, the Dean or designee shall investigate the alleged violation. After completing a preliminary investigation, the Dean or designee may find no basis for the complaint and dismiss the allegation as unfounded, or proceed with the disciplinary process as outlined in the *Code*. Proceeding with the disciplinary process may involve:

- 1) proceeding with the pre-hearing conference as described below, or
- 2) imposing an Interim Suspension or an Interim Action as described below which will remain in effect pending a review by the All-University Judiciary or appropriate hearing officer, or
- 3) making a Referral for Psychological Evaluation as described below.

d. Summoning a Student for a Pre-hearing Conference

- 1) The Dean or designee may formally summon a student or student organization to appear for a pre-hearing conference in connection with an alleged violation by sending him/her/them a charge letter pursuant to Section I-C-1 above.
- 2) The charge letter shall direct the student or student organization to appear at a specified time and place not less than three class days later than after the receipt of the letter. The letter shall also describe briefly the alleged violation.
- 3) If an accused student or student organization fails to respond to a charge letter and fails to appear for the required pre-hearing conference, the accused student or student organization forfeits the options outlined in Section I-C-1-e below, and will be notified of a hearing date by certified letter, sent at least seven days before the hearing with the Dean or designee or, at the option of the Dean, the All-University Judiciary (AUJ). At this hearing, a decision of responsible or not responsible will be made based on available information, with or without the attendance of the accused student or student organization. If the student or student organization fails to attend the hearing, it will be assumed that the student or student organization denies responsibility for all allegations. When appropriate, a sanction will be determined and the student or student organization will be notified in writing.

e. Pre-hearing Conference and Administrative Hearing

- 1) During the pre-hearing conference, the Dean or designee shall explain the rights, responsibilities, and judicial procedures for the accused student.
- 2) Specifically, the accused student's rights are as follows:

- a) To have written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student.
 - b) To review all available information, documents, exhibits, and a list of witnesses that may testify against him/her/them. This is a continuing obligation of the complaining party and the Dean or designee.
 - c) To request an Administrative or AUJ hearing.
 - d) To elect not to appear at the hearing. The hearing would then be conducted in the student's or student organization's absence.
 - e) To be assisted by an advisor from within the University community, and/or to be accompanied by a family member acting as an advisor. An attorney may act as an advisor only as required by State or Federal Law. The advisor, upon request of the student or student organization, may:
 - i. 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.
 - ii. Accompany the student or student organization to all judicial proceedings.
 - iii. In cases involving sexual offenses, the alleged victim may have a support person or support persons present during the hearing. The support person(s) may not participate in any way in the hearing.
 - f) To have written notice of time, place and format of the hearing forwarded to the accused at least five class days prior to the hearing. Unless the student or student organization waives all or part of the notice, the formal hearing will not be held less than five class days from the date of the original charge
- 3) During the pre-hearing, the Dean or designee shall inform the student or student organization of the following options for resolution of the disciplinary charges:**
- a) The student may deny responsibility for the charge(s) and request an administrative hearing before the Dean or designee where determination of responsibility will be made. The Dean or designee may elect not to hear the case. The case would then be heard by the AUJ. If this administrative hearing officer finds the student responsible, an appropriate sanction will be determined.
 - b) The student may deny responsibility for the charge(s) and request a regular hearing before the All University Judiciary (AUJ) where a determination of the responsibility will be made. If the student or student organization is held responsible by the AUJ, an appropriate sanction or combination of sanctions will be determined.
 - c) The student may accept responsibility for the charge(s) and request for an administrative hearing before the Dean or designee to determine an appropriate sanction. The Dean or designee may elect not to hear the case. The case would then be heard by the AUJ.
 - d) The student may accept responsibility for the charge(s) and request for the AUJ to determine an appropriate sanction.
- 4) If a student or student organization requests an administrative hearing before the Dean or designee, the student or student organization may waive all or part of the written notice requirements including waiving the number of days required prior to the hearing. The student or student organization may also save the number of days specified from the original date of the charge letter and proceed with the hearing.**
- 5) If a student or student organization fails, without good cause, to comply with the letter sent under this section, the AUJ may proceed with the hearing in the student's or student organization's absence, as has been outlined previously.**
- 6) A student or student organization receiving a hearing before the AUJ has a right of appeal of the AUJ decision to the appropriate Vice Chancellor. A student or student**

organization receiving an administrative hearing before the Dean or designee has a right of appeal to AUJ and then to the appropriate Vice Chancellor. If a student chooses a hearing before the AUJ and is cited for an additional violation in the interim, a student then forfeits the right to an AUJ hearing and, at the discretion of the Dean of Students, an administrative hearing will be conducted on all charges.

- 7) The Dean or designee is authorized to provide other opportunities for conflict resolution outside of the judicial process if all involved parties agree. These opportunities may include mediation or arbitration. All parties must mutually agree upon the choice of conflict resolution after review of procedures and potential terms of resolution.

f. Appeal of Administrative Action

In the event that a charged student or student organization disagrees with a finding of responsible or a sanction of an administrative hearing officer, the charged student or student organization may request an appeal in writing to the AUJ within forty-eight (48) hours after notification of the decision. Original sanctions (except interim suspension) are normally put into effect only after the AUJ makes a decision.

1) Procedure

- a) The function of the AUJ in hearing an appeal is that of reviewing the action of the administrative hearing officer to determine if: (i) an alleged violation of the rights guaranteed the accused has occurred; (ii) the sanction is too severe for the violation; or (iii) new evidence has developed which has bearing on the outcome.
- b) The AUJ shall receive the petition from a student or student organization choosing to appeal the decision of an administrative hearing. Such petition shall be submitted in writing to the chair of the AUJ through the Office of Dean of Students explaining in detail the reasons for the student's or student organization's appeal and, if applicable, specifying the ways in which he/she/they believes the procedures or actions of the administrative hearing officer have violated the standards outlined in Section I-C.
- c) Upon receiving a petition, the AUJ shall obtain the record of the administrative hearing officer. Such record shall include relevant documents and a written statement by the hearing officer summarizing the case and the reasons supporting the disciplinary decision.
- d) With this information, the AUJ shall decide whether an appeal hearing is warranted. This decision is based on the three options for an appeal as outlined in a) above. It shall notify the petitioner in writing of its decision within seven (7) days after receiving the student's or student organization's petition.
- e) If the AUJ determines that a hearing should be granted, that hearing shall be held within seven (7) days of such determination and notification shall be given in writing at least three (3) business days prior to the date set for the hearing, specifying time and place of the hearing and informing the student or student organization of his/her/their rights as outlined in Section I-D-4. If a student or student organization chooses to waive the seven (7) day notice and other requirements as stated in this section, an immediate appeal hearing may be heard.
- f) The AUJ shall invite the appellant, the relevant administrative hearing officer, and such other persons as it deems appropriate to appear before the AUJ to make statements and respond to questions. The student or student organization and administrative hearing officer may request the AUJ to invite persons to testify if there is new evidence. The AUJ follows regular hearing procedures in appeal cases, if it elects to hear new evidence.
- g) After the hearing is concluded, the AUJ shall deliberate in private to reach a decision.
- h) The AUJ has the authority to approve, reject, or modify the decision in question consistent with this *Code*.

- i) The decision of the AUJ may be appealed by the accused student to the Vice Chancellor for Student Affairs or for Provost as outlined in Section I-D-5. Prompt notice of the decision of the AUJ shall be given. Any appeal of the AUJ decision must be in writing and presented within forty-eight (48) hours after notification of the decision.

g. Interim Action.

In certain circumstances the Associate Vice Chancellor for Student Affairs or his or her designee may impose restrictions, change of living arrangements, change in class schedule or other action that will insure the safety and welfare of members of the University community. When such action is taken, pending adjudication, it will be reviewed by the judicial board hearing the case and may be continued or modified. The condition of the interim action will be clearly presented to the respondent. In the event that interim action is invoked, the student or student organization will be afforded an informal preliminary hearing by the Associate Vice Chancellor for Student Affairs/Dean of Students or his or her designee before interim action is implemented. At this hearing the student or student organization shall be given an opportunity to present their reasons why they do not constitute a threat to the safety, health or welfare of other members of the University community. Violation of interim action is a violation against the judicial procedures and may result in further action.

h. Interim Suspension

Interim suspension is an action requiring that a student immediately leave the campus and University property, and suspending the students participation in any classes or any other University activities. Notwithstanding any other provision of this Code, Interim Suspension may be imposed upon a student or student organization by the Associate Vice Chancellor for Student Affairs or designee when there is reasonable cause to believe, based on available facts, that the student is an immediate threat to the safety of himself or herself, or other members of the University community or University property, or is persistently disruptive to the University community.

- 1) Any student who is suspended on a 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 take an exam, to consult with the Dean of Students or to participate in the disciplinary procedures against him/her) may be granted in writing by the Dean or designee.
- 2) When a student is suspended on an interim basis, he/she is given notice containing the reasons for suspension, the duration and any conditions that apply, and a copy of this interim suspension policy. A student notified of such interim suspension may, within ten class days of the written notice of suspension, request through the Dean or designee a hearing before the AUJ to determine whether the student is responsible for the charges and the appropriate sanction(s) and whether the conditions of the interim suspension should continue. This hearing, where normal procedures apply, before the AUJ shall be conducted as expeditiously as possible. The Dean or designee may require a psychological evaluation prior to a hearing as outlined below.
- 3) The University reserves the right to invoke interim suspension for a student organization when there is reasonable cause to believe there may be an immediate threat to the safety of members of the University community or University property.

i. Referral for Psychological Evaluation

If authorized individuals determine that a student should undergo a psychological evaluation prior to a hearing before a judicial board or hearing officer, the student should

be administratively referred to the appropriate agency for such evaluation according to the guidelines outlined below:

- 1) Those professional staff members authorized to make an administrative referral for a psychological evaluation are the Vice Chancellor for Student Affairs, Associate Vice Chancellor for Student Affairs, and Dean of Students, and the Director of Housing or designee.
- 2) When an authorized professional staff member has reasonable cause to believe that a student is undergoing severe emotional problems, and when there is reasonable cause to believe that a student's continued presence on campus would present a danger to himself/herself and/or others, the staff member may direct the student to consult with the Director of Counseling and Psychological Services (CAPS). In the event the student should refuse, interim action from the University may be invoked .
- 3) Whenever possible, the student who is being administratively referred to the Center for Counseling and Psychological Services will be accompanied by an appropriate professional staff member related to Student Affairs.
- 4) Following an evaluation, the Director of CAPS may recommend that the student be withdrawn from the University to seek psychological/medical treatment if:
 - a) The student has violated institutional regulations and appears to lack the capacity to respond to the judicial affairs process, or did not appear to know the nature and wrongfulness of the alleged violation;
 - b) The student has threatened or attempted suicide and is suffering from a serious mental disorder that is being exacerbated in the campus environment; or
 - c) A student is engaged in behavior made worse in the academic setting, that places him or her in serious medical jeopardy producing conditions that cannot be treated effectively without leaving the University.
- 5) If withdrawal is recommended, the Director will notify the Associate Vice Chancellor and Dean of Students. If the Associate Vice Chancellor for Student Affairs accepts the Director's recommendation to withdraw, the student shall be immediately withdrawn from the University. The Associate Vice Chancellor or his designee will notify the Dean of the College in which the student is enrolled. It is understood that such 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 Associate Vice Chancellor for Student Affairs, and the director of CAPS.
- 6) The Registrar will be directed to place a hold on the student's file so that any re-admission application will come to the attention of the Director of CAPS and the Dean of Students.
- 7) The Director of CAPS will send a report summarizing the results of the evaluation and any recommended action to the Associate Vice Chancellor for Student Affairs and the Dean of Students. Other appropriate personnel will be notified of any action taken regarding a change in the student's status by the Office of Dean of Students (e.g., the University Housing staff member if the student is living in a residence hall).

D. ALL-UNIVERSITY JUDICIARY

1. All-University Judiciary

- a. When a student requests a regular hearing before the AUJ or when the Dean of Students or designee refers a case automatically, the AUJ becomes involved. The Associate Vice Chancellor for Student Affairs or designee serves as the advisor to the AUJ. A panel consisting of four students and five faculty will be selected from a pool of members to hear each case. The pool of members will consist of:

- 1) Eight undergraduate student members and eight graduate student members, selected as described below, and appointed by the Vice Chancellor for Student Affairs or the Graduate Dean.
- 2) Seven faculty members recommended by the Faculty Senate's Committee on Committees and appointed by the Vice Chancellor for Student Affairs.
- b. The Chairperson and Vice-Chairperson of the AUJ will be chosen from among the seven faculty members and appointed by the members of the AUJ.
- c. When the board convenes, a quorum is fulfilled when a simple majority of five members are present.
- d. Members shall be selected as follows:
 - 1) The seven faculty members serving on AUJ will be selected from applicants recommended by the University Faculty's Committee on Committees. Faculty members will serve for three years. Faculty are eligible to reapply to additional terms as proscribed above. At least four of the faculty members must have graduate faculty status.
 - 2) The sixteen students named to the board should represent the diverse population of the University community. The following procedures for selection shall be followed:
 - a) Applications for AUJ membership will be submitted to the Office of Judicial Affairs.
 - b) The Dean of Students or his/her designee will conduct interviews for undergraduate student members of the AUJ. The Graduate Dean or his/her designee will conduct interviews for the graduate student members of the AUJ.
 - c) Dean of Students will make recommendation to Vice Chancellor for Student Affairs.
 - d) Undergraduate members will be chosen who meet at least the following minimum qualifications: (1) a cumulative GPA of not less than 2.5 that will be maintained throughout the duration of a student's participation; (2) in good standing with the University i.e., members should not be on academic or disciplinary probation; and (3) a minimum of 12 hours of course work completed at the University.
 - e) 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 i.e., members should not be on academic or disciplinary probation; and (c) must be regularly admitted to a graduate degree program.
 - f) Student members shall serve one-year terms, and are eligible to serve additional terms with re-application, appointment and approval as proscribed above.
 - 3) When a case involves a graduate student, the panel will consist only of graduate student members, and faculty members with graduate faculty status.
 - 4) The graduate students named to the AUJ will be selected from a pool of candidates who have been recommended by the Graduate Dean's Student Advisory Board and meet the minimum membership requirements. The Dean of the Graduate School will appoint all graduate student members.
 - 5) Vacancies occurring during the course of the year will be filled by the Vice Chancellor for Student Affairs or designee, or in the case of graduate students, by the Graduate Dean or designee
 - 6) Ad Hoc Boards: When circumstances such as University holidays and summer terms render a hearing by the full AUJ board hearing impractical, and a hearing before a single hearing officer is not well advised, the Dean or designee may convene an ad hoc administrative hearing panel. The membership of the panel shall be approved by the Vice Chancellor for Student Affairs or his/her designee. Where possible the ad hoc panel will include current AUJ representatives, student representation, and graduate student representation when the case involves a graduate student. When convened the ad hoc panel shall assume the authority equal to the board that otherwise would have heard the referral.

- 7) Members of the AUJ become active members only after the Office of the Dean of Students has trained them.

2. Jurisdiction of AUJ

- a. The AUJ has appellate power to review decisions of administrative hearing officers and of the Dean or designee with authority to lessen but not increase the sanction imposed or recommended by other bodies. The AUJ may refer a case to the original hearing officer for a rehearing.
- b. The AUJ may have, at the request of the student, original jurisdiction in disciplinary cases as outlined in Section I-C-1-e.

3. Procedural Standards for All University Judiciary Cases

- a. All matters upon which the decision may be based must be introduced into evidence at the hearing before the AUJ, the decision shall be based solely upon such matters and must be supported by the evidence. Any student charged with an infraction under this *Code* shall be presumed not responsible until proven responsible by a preponderance of the evidence.
- b. All evidence will be admitted except that which is irrelevant or repetitious. The AUJ will be the sole judge of admissibility of evidence.
- c. AUJ records are maintained in the Office of the Dean of Students and are confidential and may be released only with the consent of the student or other wise consistent with law and University policy. This includes records of the judicial proceedings and disposition.
- d. No member of AUJ who has a personal interest in the particular case may sit in judgment during the proceeding. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the Vice Chancellor of Student Affairs or his/her designee to serve for the duration of the hearing.

4. Hearings before the All-University Judiciary

a. Prior to a hearing, the accused student is entitled to:

- 1) A written notice of the charge(s) and an outline of rights. In the event that additional charges are brought, a further written notice must be forwarded to the student. These notices are sent pursuant to Section I-C-1.
- 2) Review all available information, documents, exhibits and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Dean or designee. The Dean of Students office is obligated to inform the respondent of any new information that becomes part of the file.
- 3) Request either an administrative or AUJ hearing.
- 4) Be assisted by an advisor from within or beyond the University community. The advisor upon request of the student may:
 - a) Advise the student concerning the preparation and presentation of his/her case. The advisor may not speak for the student except in exceptional circumstances at the discretion of the AUJ chair.
 - b) Accompany the student to all judicial proceedings.
- 5) A written notice of time, place, and format of the hearing forwarded to the accused at least five class days prior to the hearing, unless the student waives all or part of the notice. The formal hearing will not be held less than five class days from the date of the original charge letter, unless the student charged waives the limit.
- 6) A pre-hearing interview with the Dean or designee during which the student's rights, responsibilities and procedures are explained under University policy.

b. Duties of the AUJ

In those cases in which the accused student requests a hearing before the AUJ and disputes the facts upon which the charges are based, such charges shall be heard and determined by the AUJ. AUJ will:

- 1) Determine that the Dean or designee has satisfactorily performed the requirements of Section I-D-4-a.
- 2) Rule on the admissibility of evidence, motions, and objections to procedures; render a written decision as to whether the accused student is responsible or not responsible for the charges; provide a rationale; determine the sanction (if any); and provide the Dean and student with the copy of the decision.

c. Duties of the Dean of Students

The Dean or designee shall:

- 1) Consult the AUJ in setting the date, time, and place for the hearing.
- 2) Assist the AUJ in summoning witnesses and preparing evidence that is requested by the AUJ.
- 3) Notify the student by letter of the date, time and place for the hearing. The Dean or designee shall send the letter pursuant to Section I-C. The letter shall specify a hearing date not less than five class days after the date of the receipt of the letter. A student may request in writing that an earlier date be set, if feasible. The AUJ, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time, and place.
- 4) The letter described above shall:
 - a) Direct the student charged to appear at a date, time, and place specified.
 - b) Advise the student of his/her rights:
 - i. To appear in person, hear all testimony, present any relevant information on his/her behalf, invite witnesses, and to ask questions of witnesses that give adverse statements at the hearing.
 - ii. To elect not to appear at the hearing. The hearing shall then be conducted in the student's absence.
 - iii. To be assisted by an advisor from within or beyond the University.
 - iv. To refuse to answer any questions or make a statement; however, the hearing authority then shall make its decision solely on the basis of information introduced at the hearing.
 - v. To know the identity of witnesses who will testify against him/her.
 - vi. To question each witness who will testify against him/her for the purpose of clarification.
 - vii. To have all statements, information, or comments given during the hearing held in strictest confidence by members of the board before, during, and after deliberation. Only those faculty and staff with an educational need to know will be informed of the outcome.
 - viii. To have hearings conducted in an informal manner where technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to cross-examination. Witnesses (except for the accused) shall be present during the hearing only during the time they are testifying. While written statements are admissible, no one shall be found responsible who has not had the opportunity to testify, to present evidence, invite witnesses, and to hear questions adverse witnesses that appear at the hearing.
 - ix. To have a summary of the hearing record.
 - x. To appeal as outlined in Section I-D-5.
 - c) Contain the names of witnesses who will testify against the student and a description of evidence and charges that will be offered against him/her.
 - d) Contain a summary of the complaint.
 - e) Notify the respondent that the Dean or designee may question his or her witnesses and request a list of the respondents' s witnesses.

- d. If a student or student organization fails, without good cause, to comply with the letter sent under this section, the AUJ may proceed with the hearing in the student's or student organization's absence, as has been outlined previously.
- e. The AUJ shall proceed generally as follows during the hearing:
 - 1) The chairperson of the AUJ reads a complaint and informs the student or student organization charged of his/her/their rights, as listed in Section I-D-4, and asks the student or student organization whether he/she/they admit or deny responsibility to the charge or charges before the AUJ.
 - 2) The Dean or designee presents the University's case.
 - 3) The student or student organization presents a defense.
 - 4) The Dean or designee and the student or student organization defendant present rebuttal evidence and arguments. The chairperson will exercise control over the hearing to avoid needless consumption of time, to avoid repetition of information, and to prevent the harassment or intimidation of participants.
 - 5) All parties except the AUJ's advisor are excused from the room for private deliberations of the AUJ. The AUJ deliberates and decides the issue of responsibility or non-responsibility.
 - 6) If the AUJ finds the student or student organization charged responsible, the Dean or designee and student or student organization charged may present evidence and argument on an appropriate sanction.
 - 7) The AUJ deliberates in private and determines an appropriate sanction.
 - 8) The AUJ renders a written decision as to the accused student's or student organization's responsibility or non-responsibility of charges. The decision states the sanctions, if any, and procedures for appeal. The accused student or student organization and Dean or designee shall each be given a copy of the decision.

f. Hearing Record:

The hearing record is confidential and consists of:

- 1) A copy of the hearing notice that was forwarded to the student or student organization prior to the hearing.
- 2) All documentary and other evidence offered or admitted in evidence.
- 3) Written motions, statements, and any other material considered by the AUJ.
- 4) The hearing decision and rationale of AUJ.

5. Appeal of an All-University Judiciary Decision

In the event a charged student or student organization disagrees with a finding of responsible or sanction of the AUJ, the charged student or student organization may request an appeal to the Vice Chancellor for Student Affairs within forty-eight (48) hours after notification of the decision. In the event of an appropriate appeal, the original sanctions (except interim action or interim suspension) will be put into effect only after the Vice Chancellor for Student Affairs makes a decision. Appeals of misconduct decisions shall be submitted to the Vice Chancellor for Student Affairs. Appeals of academic dishonesty decisions shall be submitted to the Vice Chancellor of Academic Affairs.

a. Procedure for Appeal:

- 1) The function of the Vice Chancellor for Student Affairs in hearing an appeal is that of reviewing the action of the AUJ to determine if: (1) an alleged violation of the rights guaranteed the accused (see Section I-D) has occurred; (2) the sanction is too severe for the violation; or (3) new and significant evidence becomes available that was not available at the time of the hearing.
- 2) The Vice Chancellor for Student Affairs shall receive the petition from a student or student organization choosing to appeal (1) the decision of the AUJ, or (2) the decision of

- the Administrative Hearing officer and the appeal decision of the AUJ. Such petition shall be submitted in writing to the Vice Chancellor for Student Affairs explaining in detail the reasons for the student's or student organization's appeal and specifying grounds for appeal and/or the ways in which he/she/they believes the procedures or actions of the administrative hearing officer or the AUJ have violated the standards outlined in 1) above.
- 3) Upon receiving a petition, the Vice Chancellor for Student Affairs shall obtain the record of the administrative hearing officer (when applicable) and the AUJ. Such record shall include all relevant documents. A statement from the AUJ advisor shall summarize the case and the reasons supporting the disciplinary decision.
 - 4) With this information, the Vice Chancellor for Student Affairs, shall decide whether to approve, reject, or modify the decision in question. This decision is based on the three options for an appeal outlined above.
 - 5) The Vice Chancellor has the authority to approve, reject, or modify the decision in question. The Vice Chancellor may also remand the case to the AUJ a completely new hearing.

6. Appeal of the Vice Chancellor's Decision

In the event a charged student or student organization disagrees with the finding of responsible or sanction of the AUJ and the decision of the Vice Chancellor on the appeal, the charged student or student organization may request an appeal to the Chancellor within forty-eight (48) hours after notification of the appeal decision by the Vice Chancellor. In the event of an appeal to the Chancellor, the original sanctions (except interim action or interim suspension) will be put into effect only after the Chancellor makes a decision.

a. Procedure for appeal:

- 1) The function of the Chancellor in hearing an appeal is that of reviewing the action of the AUJ and the decision of the Vice Chancellor to determine if: (1) an alleged violation of the rights guaranteed the accused (see Section I-C) has occurred; (2) the sanction is too severe for the violation; or (3) new and significant evidence becomes available that was not available at the time of the hearing.
- 2) The Chancellor shall receive the original petition from the student or student organization that was submitted to the Vice Chancellor for an appeal of the decision of the AUJ.
- 3) Upon receiving the petition, the Chancellor shall obtain the record of the AUJ. Such record shall include relevant documents from the AUJ. A statement from the AUJ advisor shall summarize the case and the reasons supporting the disciplinary decision.
- 4) With this information, the Chancellor, shall decide whether to approve, reject, or modify the AUJ decision and/or the appeal decision of the Vice Chancellor. This decision is based on the three options for an appeal outlined above.
- 5) The Chancellor has the authority to approve, reject, or modify the decisions in question. The Chancellor may also remand the case to the to original board, hearing officer or AUJ for a completely new hearing.

E. AUTHORIZED DISCIPLINARY SANCTIONS

When AUJ, the Dean of Students or designee has determined that a student or student organization has violated the *Code*, each is obligated to respond in 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 AUJ or the Dean or designee are authorized to impose any one or a combination of the following sanctions:

1. University Disciplinary Sanctions

a. *Oral Reprimand.*

This reprimand serves as notice to the student that the referred incident reflects behavior unacceptable to the community and inconsistent with University regulations. Use of this sanction is meant to document the experience and warn the student or student group that future violations are likely to result in more severe judicial consequences.

b. *Written Reprimand*

A written reprimand involves a status of warning through the end of the next full semester, and terminates automatically when the imposed period expires. Further violations during this warning period are likely to result in more severe judicial sanctions.

c. *Disciplinary Probation*

Disciplinary probation involves a status of probation for up to one calendar year, which terminates automatically when the imposed period expires. A student who is placed on disciplinary probation is considered not to be in good standing with the university. As part of the disciplinary probation, the student may have restrictions placed on specific student privileges, as determined by the hearing body or judicial administrator, not to exceed the duration of the probationary period. In the event of a further violation of this *Code* or other applicable rules while on disciplinary probation, the Dean of Students or designee will, at a minimum, seek the penalty of suspension.

d. *Suspension*

Suspension involves withdrawal of enrollment privileges and, at minimum, cancellation of registration through the end of the next full semester and ordinarily carries with it conditions which 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 Dean of Students 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 Dean of Students.

e. *Indefinite Suspension*

Indefinite suspension involves withdrawal of enrollment privileges and cancellation of registration through the end of at least the next two full semesters, and ordinarily carries with it conditions which must be met for re-enrollment. Re-enrollment after an indefinite suspension requires that the student apply to the Dean of Students at the close of the imposed period. The Dean of Students determines whether the student has met the conditions imposed and is otherwise eligible for reenrollment. During the period of suspension, the student may not come onto campus. Failure to abide by this condition may result in arrest for trespassing.

f. *Expulsion*

Expulsion is a permanent dismissal from the University.

2. Restitution.

Restitution is one likely response to situations that involve the destruction, damage or loss of property. 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.

3. Removal of Activity Privileges.

This option may be exercised if it is believed by the board or hearing officer that restricting or removing specified activity privileges may 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.

4. Educational Sanctions.

All the consequences of the judicial hearing 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.

5. Removal From a Living Unit.

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. Use of this sanction may effect a number of results. For example, it can 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 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.

6. Registration and Account Holds

The Dean of Students 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).

F. 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, as described in greater detail in Section V. This disciplinary record shall be separate from the student’s academic record but shall be considered a part of the student’s educational record and is maintained in the Office of the Dean of Students.
2. A student who is suspended, indefinitely suspended, or expelled will have a hold placed on his/her registration file by the Dean of Students or designee. This hold will be removed when the term of suspension expires and/or conditions for reenrollment have been met.
3. Suspension or expulsion will be noted on the transcript as a withdrawal with a mark of “W” assigned.
4. Records for cases not resulting in interim suspension, indefinite suspension, or expulsion will be destroyed five years after the date of the incident or as permitted by federal or state law.
5. 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 Educational Rights and Privacy Act (FERPA). Discipline records for student organizations are not protected by The Family Educational Rights and Privacy Act.

II. ACADEMIC HONOR CODE

The Academic Honor Code outlines procedures for handling incidents of alleged academic or research dishonesty. The procedures for handling student academic appeals and complaints are outlined in Academic Regulations: Student Grievance Procedures in the Catalog of Studies. There is a separate academic grievance procedure for graduate students outlined in the Graduate School Catalog. The Research Misconduct Policy may also be found in the Graduate School Catalog.

A. ACADEMIC DISHONESTY AND RESEARCH MISCONDUCT OFFENSES

The Academic Honor Code assumes both academic and research honesty. Academic dishonesty is considered a disciplinary offense and involves acts that may subvert or compromise the integrity of the educational process. Included is any act by which a student gains or attempts to gain an academic advantage for himself or herself or another by interfering with the completion, submission or evaluation of work. Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Academic/research misconduct offenses include, but are not limited to, accomplishing or attempting any of the following acts:

1. Altering of grades or official records.
2. Using any materials that are not authorized by the instructor for use during an examination.
3. Copying from another student's work during an examination.
4. Collaborating during an examination with any other person by giving or receiving information without specific permission by the instructor.
5. Stealing, buying, or otherwise obtaining information about a previously administered examination.
6. Collaborating on laboratory work, take-home examinations, homework, or other assigned work when instructed to work independently.
7. Substituting for another person or permitting any other person to substitute for oneself to take an examination.
8. Submitting as one's own a theme, report, term paper, essay, computer program, other written work, speech, painting, drawing, sculpture, or other artwork prepared totally or in part by another.
9. Submitting, without specific permission of the instructor, work that has been previously offered for credit in other courses.
10. Plagiarizing, defined as the offering as one's own work the words, ideas, or arguments of another person without appropriate attribution by quotation, reference, or footnote. Plagiarism occurs both when the words of another are reproduced without acknowledgment, or when the ideas or arguments of another are paraphrased in such a way as to lead the reader to believe that they originated with the writer. It is the responsibility of all University students to understand the methods of proper attribution and to apply those principles in all materials submitted.
11. Sabotaging of another student's work.
12. Falsifying or committing forgery of any University form or document.
13. Submitting altered or falsified data as experimental data from laboratory projects, survey research or other field research.
14. Falsifying research data or results.
15. Committing any willful act of dishonesty that interferes with the operation of the academic or research process.
16. Facilitating or aiding in any act of academic or research dishonesty.

B. INSTRUCTOR ACTION AND JUDICIAL PROCESS

The following procedures shall be followed with regard to possible acts of academic dishonesty. When an instructor has a reason to believe that a student in the instructor's class is responsible of academic dishonesty deserving of sanction, the instructor should within five working days follow one of the following (If the instructor is either a graduate teaching assistant or a temporary faculty member, then a supervising faculty member or the departmental head or chair may assist in the handling of an academic dishonesty case.):

- 1. Instructor Prescription of Sanction:** The instructor may prescribe a grade sanction and within five working days report that sanction along with the essential details of the incident to the Dean of Students Office (in cases involving graduate students, the Graduate Dean must also be notified). There is, under these circumstances, no request for additional administrative or judicial action. The student sanctioned in this way by an instructor will be notified by Student Affairs and will have five working days from that notification to request a hearing by the All University Judiciary (AUJ) as outlined in Section B below. If the student does not request a hearing within five working days, then it is assumed that the sanction is not contested. The student will be required to have a conference with the Dean or designee so that the consequences of the action can be made clear.

Pending the outcome of a hearing if one is requested, the student's participation in the affected class should continue so that any action can be reversed without prejudicing the student's academic performance and evaluation. Should the hearing process not support the grading sanction applied by the instructor, then the instructor and student may agree and remedy the sanction with the student proceeding in the class without prejudice. If the instructor and the student cannot so agree, or if the grading sanction cannot be remedied, then the student may appeal via the Academic Appeal Structure for Undergraduate Students or the Graduate Grievance Process for graduate students.

If the defense of any grade is based on alleged academic dishonesty and the faculty member has not followed the University policy, the ability of the faculty member to defend his or her action may be adversely affected.

- 2. Instructor Referral to Judicial Process:** With the Dean of Students or designee the instructor may file an incident report form referring the case to the judicial process for determination of responsibility and the application of sanctions. In cases involving graduate students, the Graduate Dean must also be notified. If the student is determined to be responsible of academic dishonesty, then the instructor may apply a grade sanction in addition to whatever sanctions are applied by the judicial process. While such a case is pending in the judicial process, the student's participation in the affected class should continue to avoid pre-empting the options available after the guilt or innocence is determined. This course of action is appropriate in cases where in the instructor's opinion there is doubt about guilt or innocence or in cases where the alleged offense may justify sanctions beyond the grading system.
- 3. Judicial Process:** If a student's instructor chooses to refer a case to the judicial process as outlined in A-2 above or if another student, faculty member, or administrator wishes to charge a student with academic dishonesty, the following procedures will be followed:
 - a. Administrative Action.** This procedure involves the application of a sanction, an admonition, or some type of probation following established guidelines by the Dean of Students or designee after an incident has been reported by a faculty member, an administrator, or a student. Such action may be appropriate in cases where there is little or no disagreement as to the details of the reported incident. Administrative sanctions may be appealed by any party to the matter to AUJ within three working days of notification of the administrative action.
 - b. All-University Judiciary (AUJ).** This procedure involves application of sanctions after the case has been heard and decided by AUJ. This would be used in contested cases,

appeals of instructor or administrative actions, any case involving a student with a previous record of academic dishonesty or who previously received a grade sanction for academic dishonesty, and in cases where the sanction could result in suspension or expulsion from the University. Any action of AUJ may be appealed within two working days to the Vice Chancellor for Academic Affairs as outlined in Section I-3-D above. If the Vice Chancellor discovers evidence previously unavailable to AUJ, then the Vice Chancellor may explain in writing to the Chair of AUJ and ask that AUJ rehear the case.

C. SANCTIONS

The choice of sanctions in cases of academic dishonesty always involves considerations of the integrity of the educational process of the University. There is no place in that process for academic dishonesty; if a student is undermining the integrity of that process, then separating that student from the University is the natural sanction. The intent of this policy is to make acts of academic dishonesty carry clear risks, that is, for the sanctions to be sufficiently heavy as to deter academic dishonesty. Thus, the application of a grade sanction alone as the sole sanction in an academic dishonesty case is to be very carefully considered and should occur only in unusual cases. The following are possible sanctions for academic dishonesty:

1. **Grading Sanctions.** An instructor may apply grading sanctions. Such sanctions may also be recommended by either the Dean of Students or designee in case of administrative action or by AUJ, but the final decision will be that of the instructor. Grade sanctions may consist of either the student receiving grades of zero or failing grades on part or all of a submitted assignment or examination, a lowering of a course grade, or a failing grade. All grade sanctions must be appropriately reported as outlined in the procedures above. A grade sanction may be appealed by the student via the Academic Appeal Structure for Undergraduate Students or the Graduate Grievance Process for graduate students.
2. **Disciplinary Sanctions.** These are applied by either administrative action or AUJ action. The types are as follows:
 - a. **Oral Reprimand.** This is a firm warning against future violations.
 - b. **Written Reprimand.** This is a probation imposed for a specified period and constitutes a final warning and an opportunity for the student to demonstrate what has been learned and to show improved judgment.
 - c. **Disciplinary Probation.** This is probation imposed for a specified period and constitutes a warning that affects the student's good standing in the University. Violations of regulations during this period are likely to result in suspension or expulsion. During the period, the student is no longer to hold campus offices, receive honors, or represent the University in extracurricular or intercollegiate activities.
 - d. **Educational Sanctions.** These include a variety of assignments, tasks, or experiences that should make the offender more aware of the nature of the general problem of academic dishonesty. These may be applied in conjunction with any admonition or probation.
 - e. **Suspension.** Suspensions for a specified period of time from the University may be recommended by AUJ. Such suspensions may be for the remainder of a semester or for a specified number of semesters. In cases of clearly premeditated cheating or cases where either illegal actions or conspiracy with others is involved, suspension for at least the remaining part of a semester or one full semester must be considered as a sanction. Suspension will normally be the minimal sanction in cases where a student is guilty of academic dishonesty for a second time.
 - f. **Expulsion.** Expulsion is a permanent dismissal from the University.

III. HOUSING AND DINING REGULATIONS

A. RESIDENCE HALL AND UNIVERSITY APARTMENT POLICIES

University Housing Policies and Regulations may be found in the resident's room and board contract, in a handbook distributed to students when they check into their residence hall or apartment, and/or in signs posted in public areas of residence halls and apartments. Students and residents should refer to the residence hall handbook or residence hall contract available from University Housing for a more complete list of regulations. Students in violation may be referred to the Dean of Students Office for judicial action. Below are examples of behavior that is prohibited in and around residential facilities:

1. Entry into restricted areas of the residential facilities. These include, but are not limited to:
 - a. The residence hall roof, windows, ledges, and walls;
 - b. Restrooms designated for use by members of the opposite sex (i.e., men in women's restrooms);
 - c. Another resident's room, suite or apartment without permission;
 - d. Dining centers and convenience stores during non-operational hours;
 - e. Front desk and staff office space.
2. Throwing or hanging objects from windows, removal of screens, or the use of a window as an entrance or exit.
3. Signs advertising a product or business, or signs that may be deemed offensive may not be displayed in windows or on the outside of room doors where they may be viewed by persons in public areas (i.e. hallways, parking lots, streets).
4. Interfering with the rights or safety of one's roommate(s) and/or other students or creating a hostile environment within the residential facilities.
5. Noise or behavior that disrupts other residents in the residential facilities and/or interferes with their ability to study.
6. Using barbecue grills or gas grills in any residence hall facility. Items such as toasters, toaster ovens, hot plates, electric skillets or appliances with an open heating element are prohibited in all student rooms.
7. The burning of candles, incense, aromatic herbs, or any other substance.
8. Storing personal items in public areas of a residential facility.
9. Alterations, additions, and/or unauthorized use of furnishings and fixtures within a residential facility.
10. Playing of sports or activities that present a risk of injury to persons or property within and around a residential facility.
11. Failure to vacate immediately when a fire alarm has sounded.
12. Smoking is prohibited in all common areas of the facilities as well as individual student rooms on non-smoking floors or substance-free facilities. The use of smokeless tobacco is also prohibited inside substance-free facilities.
13. The University of Arkansas Policy on Alcohol and Drug Use (Appendix H) is enforced in all residential facilities. In addition no alcoholic beverages are permitted in facilities designated as "substance-free".
14. Door-to-door selling/soliciting/canvassing of any item, service or cause is prohibited.
15. Permitting non-residence hall students to utilize equipment or services intended for the exclusive use of residence hall students is prohibited.
16. University Housing facilities are not open to anyone other than residents assigned to that facility, University officials, and guests (as defined below) who have a legitimate reason for being in the building. Residential facilities are special purpose buildings and are not open to the general public. A *guest* is someone who comes to a residential facility to visit a specific resident or who has been extended an invitation to visit by the University for a specific occasion, special function, tour, or official visit.
 - a. All guests must be escorted by their host at all times.

- b. The host is responsible for familiarizing the guest with pertinent University rules and regulations and is responsible for the conduct of the guest(s).
- c. Opposite-sex visitation hours are posted in the lobby of each residence hall or can be determined by contacting the University Housing Office.
- d. Residents may have overnight guests of the same gender for a period of time not to exceed two consecutive days and not more than three overnight periods in a seven-day period on a rolling calendar basis.
- e. The University does not condone cohabitation.
- f. Individual in violation of these or other University rules and regulations may be required to leave a residential facility.

B. DINING HALL REGULATIONS

Students are responsible for following all dining hall and dining center regulations either posted or published while using these facilities. Students in violation may be referred to the Dean of Students Office for judicial action.

IV. STUDENT ORGANIZATIONS AND ACTIVITIES

A. INTRODUCTION

The Committee on Student Relations is a Campus Faculty committee responsible for developing and interpreting policies outlined in the Student Handbook. Responsibility for implementing the policies of this section has been delegated to the Office of Vice Chancellor for Student Affairs. The Vice Chancellor, in turn, has delegated much of this responsibility to the Office for Student Involvement & Leadership under the aegis of the Director of the Arkansas Union and the Assistant Vice Chancellor for Student Affairs.

The Arkansas Union functions as the major program agent for the entire campus community. In this capacity, it coordinates student activities, including the registration of student organizations; scheduling of student-sponsored events; the use of facilities; maintaining a master calendar of all campus events; and assisting in the resolution of scheduling and/or facility conflicts.

B. DEFINITION OF STUDENT ORGANIZATIONS

1. Student Organizations or student committees are groups in which the membership is (1) composed of University students, faculty and staff; (2) entirely responsible for the conduct of various sponsored activities as well as the daily affairs of the group. Student organizations may not extend membership to non-students. The inclusion of faculty and staff is defined in the role of an advisor, not a voting member. All active members of a registered student organization (R.S.O.) must be U of A students. Additionally, an organization must have and maintain a minimum of six active members to secure approved R.S.O. status from the University.
2. Residence hall, fraternity, and sorority governing bodies are considered student organizations and are expected to complete the registration process before facilities other than their own specific living unit can be used. Additional regulations for the establishment and operation of fraternity and sorority groups (entitled University of Arkansas Regulations for the Establishment and Operation of Nationals Requiring Colonization Prior to Chartering Fraternity and Sorority Groups) are available in the Office of Greek Life.
3. Groups such as faculty-initiated academic interest groups, faculty/student governing committees, musical organizations, athletic teams, and theatrical activities are not student, but University organizations. As such, they are directed or chaired by a regular University staff member responsible to the academic or administrative authorities. Membership in University organizations is subject to various internal requirements and regulations. The University staff member, by virtue of his or her expertise, is responsible for directing the organization.

Students, however, have the right to participate in the organization's decision-making process.

4. Registration of such groups through the Arkansas Union is not required; however, they are subject to general University procedures, for example, non-discrimination, fund-raising, outdoor event and trademark policies

C. CONDITIONS OF MEMBERSHIP

Membership in organizations must be open to the entire student body. In selecting its membership, no organization may discriminate on the basis of age, disability, ethnic origin, marital status, race, religious commitment, sex (except for single-sexed social sororities and fraternities and residence halls exempted from Title IX), or sexual orientation. All student participants and officers of the organization must meet the requirements outlined in Section IV-4. Officers of the organizations are held responsible for seeing that this condition is met. Students who, as individuals or as members of organizations, represent the University in public must also meet the requirements in Section IV-4.

D. ELIGIBILITY FOR CO-CURRICULAR PARTICIPATION

The major concern of the University of Arkansas for its students is their academic achievement. One mark of academic achievement is orderly progress toward a degree. Students should complete a minimum of twelve (12) hours of course work each semester. Each student is therefore advised to balance a desire to progress in a systematic fashion toward a degree and the desire and ability to participate and/or lead in co-curricular activities. After a student has assessed the abilities and interests he/she may have, the student may then choose to participate or not (taking into consideration the qualifications required by the various activities and organizations). To assume leadership, elective and/or appointive positions, the student must meet the University requirements listed below:

1. **Specific Requirements:** The minimum requirements that the University sets for students to assume elective and appointive positions in co-curricular activities include enrollment and continuance in a minimum of six hours of on-campus course work, a 2.25 or better cumulative grade-point average, and the absence of academic or disciplinary probation. Additional requirements: Organizations or groups may make, with the consultation of the Office for Student Involvement & Leadership, such additional eligibility requirements as they deem necessary. These additional requirements cannot be in conflict with the University policies on discrimination.
2. **Athletic Requirements:** NCAA and athletic conference rules will govern participation in intercollegiate athletics for men and women.
3. **Compliance Requirements:** The above stated requirements must be met in order to:
 - a. apply or receive consideration for an appointive or elective office;
 - b. campaign for an elective office;
 - c. hold an elective or appointive office;
 - d. receive special honors;
 - e. receive an appointment to serve on an all-campus (student or faculty-student) committee or governing-organization (RIC, IFC, Panhellenic, NPHC etc.) or on the staff of any University or student publication; and
 - f. participate in intercollegiate athletics.
4. Individuals should be aware of their eligibility status at all times. They shall inform the concerned organizations of their status when seeking or desiring to continue in positions of leadership as described above.
5. Each University or student organization, with the assistance of the adviser, is responsible for compliance with these requirements.
6. **Waiving requirements:** Any student who does not meet the aforementioned requirements and is still interested in an appointive or elected position can request a review by the Director

of Student Involvement & Leadership or designated representative. Any student wishing to appeal a decision regarding eligibility to be an officer must do so in writing to the Director of Student Involvement & Leadership.

E. AFFIRMATIVE ACTION POLICY FOR STUDENT ORGANIZATIONS

1. It is the policy of the University of Arkansas, including all organizations and groups that are affiliated with or exist because of the University:
 - a. To provide equal opportunity to all students.
 - b. To prohibit discrimination against any member or prospective member because of age, disability, ethnic origin, marital status, race, religious commitment, sex, or sexual orientation.
 - c. To promote the realization of equal opportunity through affirmative action.
 - d. The University of Arkansas Affirmative Action Policy for Student Organizations will be accomplished in a manner constitutionally (U.S.) permissible and not in violation of the First Amendment rights of student organizations.
2. **Areas Covered by the Policy**
 - a. All student organizations shall be responsible for compliance with the Affirmative Action Policy for Student Organizations. The University recognizes two types of student organizations:
 - 1) A registered University student organization; one that successfully completes the registration requirements and receives financial support from University sources; and
 - 2) A registered independent student organization; one that successfully completes the registration requirements and receives no financial assistance of any kind from University sources.
 - b. In addition to student-led organizations, the policy also applies to University-sponsored groups such as choral groups, bands, and cheerleading squads. Certain groups, such as social fraternities and sororities, governing organizations in single-sex residence halls, and other organizations specifically exempted from Title IX of The Education Amendments of 1972, may rightfully exclude men or women.
3. **Communication of the Policy**
 - a. The affirmative action policy for student organizations or groups shall be published annually in the *Code of Student Life*.
 - b. All official University publications shall carry the statement that The University of Arkansas is an equal opportunity/affirmative action institution.
4. **Implementation**
 - a. The concept of affirmative action signifies a positive, continuing, result-oriented program developed for student organizations to ensure that meaningful and equal opportunities for involvement and participation are available to all segments of the student body. Each student organization or group is responsible for arranging an appropriate and effective procedure for compliance with the Affirmative Action Policy for Student Organizations, especially in the areas of recruitment, selection of membership, and leadership. Organizations that desire to affiliate with the University, use the University name or facilities, or receive support and assistance from the University staff or faculty shall register and sign a statement of compliance with the Affirmative Action Policy for Student Organizations.
 - 1) Additional information for interpretation of the Affirmative Action Policy for Student Organizations is available from the Dean of Students.
 - 2) An individual having a complaint, grievance, or questions concerning selection, conditions of membership, or treatment by an organization or groups shall take the matter to the Affirmative Action Office. If, in the opinion of the Director of Affirmative Action, the grievance concerning the organization's or group's practices has merit, the matter will be referred to the Human Relations committee for review. A recommendation for appropriate action will then be forwarded to the Vice Chancellor for Student Affairs.

F. REGISTRATION OF STUDENT ORGANIZATIONS

1. When and if any student organization wishes to engage in a sustained program and use facilities on a regular basis, registration of the group as a student organization is required. The Arkansas Union Office for Student Involvement & Leadership, acting for the Committee on Student Relations, will assist the group in completing the appropriate registration forms. The Committee on Student Relations shall rule when there is a question as to whether a given organization intends to engage or is engaging in a sustained program. A student organization wishing to conduct a sustained program must be registered in order to:
 - a. Use University facilities;
 - b. Be listed in University publications and newsletters;
 - c. Use the University name in publicity and press releases;
 - d. Use University logos and trademarks;
 - e. Apply for and expend University funds as distributed through the Associated Student Government or University departments;
 - f. Apply for and occupy office space in a University building;
 - g. Participate in Student Involvement & Leadership programs as an organization;
 - h. Participate in any information fairs;
 - i. Apply for University recognition for organizational achievement;
 - j. Apply for catering funds.
2. The purpose of the registration procedure is to guarantee that organizations enjoying the above privileges of association with the University do the following:
 - a. State their purpose, officers, adviser, and activities;
 - b. Keep with the goals and purposes of the University.
3. Registration does not imply that the viewpoints of the organization are those of the University.
4. Procedures: A group wishing to be registered as a student organization must complete the appropriate registration forms provided by the Office for Student Involvement & Leadership. The following information must be completed.
 - a. Name of organization (No organization shall register a name identical to or closely similar to the name of a previously registered organization nor can the University of Arkansas precede any Organization name);
 - b. A constitution of the organization, which includes a declaration of the purposes, goals, activities, etc., must be resubmitted every year. University of Arkansas policies supercede those of an organization's constitution or by-laws.
 - c. A list of officers or official representatives of the organization;
 - d. Registration attests that the local organization agrees:
 - 1) To provide equal opportunity to all students;
 - 2) To prohibit discrimination against any member or prospective member because of age, disability, ethnic origin, marital status, race, religious commitment, sex, or sexual orientation;
 - 3) To promote the realization of equal opportunity through affirmative action. Certain groups, such as social fraternities and sororities, governing organizations in single-sex residence halls, and other organizations specifically exempted from Title IX of the Education Amendments of 1972, may rightfully exclude men or women.
 - e. The name of a faculty or staff adviser (Part-time faculty and staff qualify as advisers if they are not simultaneously pursuing a graduate degree. Resident directors are considered full-time staff). Advisers must actively participate in the organization and regularly attend meetings of the organization. In case of severe hardship, the Committee on Student Relations is authorized to waive this requirement for a reasonable period of time.
5. Registration certifies that local organizations affiliated with a national organization must have a local constitution and/or by-laws that are in accordance with and do not conflict with

University of Arkansas, Fayetteville, policies and procedures. National constitutions/by-laws imposed upon the local organization may not conflict with the University of Arkansas policies and procedures. If there is any question involving any of the above-stated conditions in the Procedures section, the registration of the group seeking to register will not be completed until it is referred to the Committee on Student Relations for review.

6. To keep the organization's registration current, it must be renewed in the Office for Student Involvement & Leadership by the third Friday of the fall semester each year. This renewal consists of providing names of current officers or representatives, adviser, and a current constitution. Should this renewal of registration not occur, all privileges extended to the organization will be withdrawn.
7. **Appeal of Registration Procedures:** Decisions concerning registration denial may be challenged by submitting a written statement in the Office for Student Involvement & Leadership. The Office for Student Involvement & Leadership Director will review the statement in light of the guidelines established herein. If the challenge is validated by the Office for Student Involvement & Leadership Director, the procedures outlined in steps 1 through 3 below will be followed. If the challenge is not validated by the Office for Student Involvement & Leadership Director, the challenging party may refer the statement directly to the Committee on Student Relations and step three will apply.
 - a. Representatives of the challenged organization and the challenging party will be asked to resolve informally the point(s) in question.
 - b. If resolution of differences does not occur, the challenging party will notify the Office for Student Involvement & Leadership Director. The challenge will be forwarded to the Committee on Student Relations for resolution.
 - c. During this process the registration of the challenged organization will remain effective.

8. Termination of Registration

The Committee on Student Relations reserves the right to cancel registration of any organization that fails to observe the understanding outlined in this section. Furthermore, it shall be assumed that an organization is no longer registered if it fails to complete these requirements.

G. GROUP RESPONSIBILITY

1. Student groups and organizations planning and carrying out their activities and conducting their affairs bear the responsibility for doing so in accordance with University regulations and the law. Failure to accept the responsibilities of group membership/sponsorship may subject the organization to permanent or temporary suspension of charter, cancellation of University registration and/or support (use of facilities, etc.), probation, or other appropriate action.
2. **Definition of an Activity Related to an Organization** - An activity is considered to be related to an organization when one or more of the following circumstances exist:
 - a. The activity being sponsored was planned in an official meeting of the organization.
 - b. The context of the activity (the presence of the group's officers, the presence of a significant proportion of the group's members, publicity identifying the event, for example) indicated that it was the product of the organization per se.
3. The parent organization shall be responsible for the actions of pledge classes, residence hall wings or floors, or other subgroups carrying official status. Events planned for numbers of nonmembers are also the responsibility of the group or organization in question.
4. **Dealing with Infractions**
 - a. When (1) sufficient preventive measures have not been employed (confiscation, non-admittance, removal, or other control) and (2) action to refer individual cases to appropriate authorities (i.e. Dean of Students or designee) and/or AUJ is not taken by the group, the group may be held liable. This liability shall be tempered only by the extent/effectiveness of preventive measures and the extent-effectiveness of dealing with such violations during and

immediately following the activity. Members and non-members of a group at the event or activity are included in the expectation of the group's responsibility and appropriate measures must be employed to prevent or deal with problems and violators.

- b. Each group or organization has the responsibility and is expected to deal with individuals allegedly in violation of University regulations or laws.
- c. Each group or organization is expected to refer such individual(s) to the appropriate University authorities (e.g., Dean of Students or designee) for violations of the *Code* or to the Director of Office for Student Involvement & Leadership or his or her designee for constitution violations, and/or to the University of Arkansas Police Department for removal, arrest, and/or judicial action. Should such judicial referrals appropriately fall to the major governing group, or the judicial board of the group or organization in question (for example- IFC, Panhellenic, RIC), the decision of the board is expected to be relevant to and consistent with the nature of the violations. The group or organization must show good faith in dealing with the individual(s), especially their own members allegedly in violation of University regulations or laws. The degree to which the group or organization carries out this overall responsibility will have bearing on the extent to which it may be held liable for the actions of the individual(s).
- d. If, in the judgment of the Dean or designee, sufficient question has been officially raised (a complaint, UAPD reports, etc.) the group or organization shall be referred to the AUJ and they shall rule on group responsibility for a given event or activity. The parent organization may or may not be vicariously liable for the sub-group's actions, which shall be determined by the AUJ. During the judicial process, two of the student organization's officers may represent the organization.

5. Housing

No student organization may build, buy, rent, or lease a house without the approval of the Vice Chancellor for Student Affairs and the Vice Chancellor for Finance and Administration. Each organization permitted to operate a house must employ an acceptable resident host/hostess, house parent, or adviser. Exemptions may be requested through the Vice Chancellor for Student Affairs.

6. Banking Arrangements

Student organizations must deposit their funds with the University. A small charge is made against each independent organization to cover operating expenses of its account. National social fraternities and sororities are exempted from this regulation.

7. Expending Funds

- a. Registered independent organizations may expend their monies for organizationally related activities. All expenditures are subject to review by the University Controller, who retains the right to question the propriety of the expenditure.
- b. Registered University student organizations expenditure of funds is subject to purchasing policies and regulations. Organizations receiving ASG allocations must present an annual budget to the Student Senate and all expenditures must be based upon the prescribed budget format approved.

8. Associated Student Government Allocations

- a. Registered Student Organizations (RSO) can apply for University funds from the Associated Student Government (ASG) three times during an academic year (September, January, and April) by submitting a RSO Fund Application to the RSO Fund Commission. The April session will fund for the following fiscal year (July 1-June 30). The September and January sessions are designed to allow RSOs to apply for funds at the beginning of each semester to accommodate for any changes made to budgets. All organizations receiving funding must agree to (a) abide by State regulations in all purchasing and budget control activities; (b) expend funds only for University related purposes; and (c) maintain organization funds in a university account. Any funds the organization raises outside of its ASG allocation should be

deposited into the organization's University checking account, which is maintained by the UA treasurer's office.

- b. RSO Funds must be used to promote a diverse array of use, facilitate intellectual engagement, encourage collaboration between students and student groups, and/or foster campus community. All funded program/events must be open to the University and free to all students who pay the activity fee. RSOs that have previously received funding must be able to verify a history of fundraising activities and provide fundraising strategies for the upcoming year; however, the RSO Fund cannot be used for fundraising. RSOs receiving funds for the first time are limited to \$1,000.00. Applying RSOs must meet the following criteria to qualify for RSO funds:
- 1) RSOs must be registered with the Office for Student Involvement and Leadership
 - 2) RSOs must not discriminate based upon age, creed, disability, ethnic origin, marital status, nationality, race, religious commitment, sex, or sexual orientation
 - 3) RSOs must not knowingly present false documents or information to ASG
 - 4) RSOs governing board or equivalent must consist of at least $\frac{3}{4}$ students.
 - 5) RSOs must not receive funding from other University of Arkansas fees, sporting events, living group, or living group organization.

Applying RSOs will not be awarded money from the RSO fund for any of the following:

- 1) Repayment of debt
- 2) Off-campus rent
- 3) Activities that make a direct contribution to a political campaign or church
- 4) Travel or lodging expenses
- 5) Any activity that is specifically designed to raise funds
- 6) Gifts, excluding speaker honorariums
- 7) The duplication of materials, supplies, or services that the University will provide for free
- 8) Any beauty pageants or participation therein

Applying RSOs can be awarded money for the following:

- 1) Conference registration fees of no more than \$1,000 per fiscal year. (Non-UA conference requests are required to be accompanied by a copy of the registration form or other official literature indicating cost per person, and a typed explanation of how the UA community will benefit from the conference.)
- 2) Programs that occur on campus or in the Fayetteville/Springdale area. (RSOs must include the date and location for each event for which they request funding, and an itemized, detailed budget for each event.)
- 3) Administrative costs that are no greater than \$1,000 per year. This included and is limited to office supplies, postage, phone, office rental, web page development, printing that is not related to a specific program, newsletters, computer software, and brochures.

9. Unexpended Balances of Inactive Student Organizations

Any student organization that does not register for four consecutive years will have the funds in its University checking account, which is managed by the Treasurer's Office, transferred to the ASG Reserve Account.

10. Entertainers, Speakers and Performers

- a. Information on acts, both local and national, who may be available for entertainment at social events is located in the Arkansas Union Office for Student Involvement & Leadership. It is strongly recommended that any student organization or group wishing to engage entertainment groups contact the Arkansas Union Office for Student Involvement & Leadership, ARKU A665, for specific advice as to the contracting procedures. Any registered student organization entering into a contractual relationship must have prior approval from the organization's adviser before asking for the contract and must have the adviser authorize

the contract on behalf of the organization, following all contractual procedures as required by the University.

- b. Arrangements for speakers and performers are to be made in keeping with the University speaker and performer policy.

11. Concert Policy

The University of Arkansas community should be offered the opportunity to attend a diversified and balanced series of musical programs. A concert policy, as well as procedures to implement the policy, are available in the Office for Student Involvement & Leadership. The policy applies only to musical events of such magnitude as to be held in Barnhill Arena.

H. SOLICITATION AND FUNDRAISING

1. The buildings and grounds owned by the Board of Trustees of the University of Arkansas exist for, and are exclusively devoted to, the organized and approved University program of higher education. As such, they are committed to being used for the non-profit, tax-exempt use of the official program of the University. Therefore, private unsolicited business activities are not permitted on University premises. However, in certain limited areas, the University contracts with private firms to provide needed on-campus services for students, faculty, and staff that contribute to the accomplishment of the University's educational purposes.
2. Apart from prohibiting profit-making commercial business activities, the University also regulates, within limits, under separate policies, and consistent with the above policy, any use of its buildings and grounds for solicitation, including fund raising activities. Fund raising activities must not violate state law by including a drawing, raffle, lottery, game of chance, or any scheme for distribution of prizes among persons who are paying for a chance to obtain a prize. The Arkansas Constitution, Article 19, Section 14, states: Lotteries Prohibited-No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed. Arkansas Statute 41-2025 specifically supports this Article. Inquiries relating to any of these policies should be directed to the Office for Student Involvement & Leadership, ARKU A665.
3. **Policy on Canvassing and Solicitation**
Merchants or students may sell goods and/or services to residence halls, sororities, and fraternities on specific occasions when the organization in question has requested a particular service or when such service is directly relevant to the purpose of that organization. Under no circumstances is door-to-door selling, soliciting, or canvassing permissible. Upon such request the Office of the Dean of Students or, in the case of residence halls, the University Housing Office will issue the merchant an official pass identifying him or her as a legitimate campus solicitor in keeping with the above policy. (Failure of a solicitor to receive appropriate identification to sell on University premises may lead to requested action by civil authorities). Specific procedural guidelines should be sought from the Dean of Students.
4. The suitability of life insurance programs for college students is regulated by law in cases of premium deferment by a premium financing arrangement. Insurance agents and companies offering this type of insurance need to receive approval of the suitability of their programs under Regulation 14 of the State of Arkansas Insurance Department prior to solicitation of students. Any agent or company wishing to sell premium financed life insurance to college students must register with the Office of the Dean of Students, ADMN 325.
5. **Raising Funds for Student Organizations**
 - a. All fund raising activities by registered student organizations (including occasions when admission is charged or donations are requested), whether on or off campus, must be registered in advance with the Arkansas Union Office for Student Involvement & Leadership. Fundraisers must be registered at least two weeks in advance of the planned fund-raising event. Such projects must be handled through the organization's University bank account and will require a detailed operating statement (stating expenditure and income). This operating

- statement must be presented to the Associate Vice Chancellor for Financial Affairs no later than two weeks after the project is concluded.
- b. Registered student organizations may charge membership dues at meetings and conduct fund raising projects on the campus. These activities must support the program of the organization as stated in that organization's registration material, the educational purposes of the University community, and/or a philanthropic purpose (see three, below).
 - c. Fund raising projects for philanthropic purposes must be directed to nonprofit, tax-exempt organizations and not made directly available to an individual or individuals.
 - d. Speakers may be invited to the campus to discuss political issues. However, political party membership may not be solicited, nor political candidates financially supported or opposed. Moreover, money may be raised only for projects or activities that directly support the program of the local organization.
 - e. Use of University facilities and premises for fund raising activities is permitted only at the designated locations under the following specified conditions:
 - 1) Arkansas Union — Use is in the building and on the Union Mall only. Use is subject to scheduling arrangements, and fund raising may be conducted only if the project does not duplicate the services already provided by the Arkansas Union (e.g. the selling of the same book titles as in the UA Bookstore, etc.). Decisions relating to such projects should be referred to the Director of the Arkansas Union.
 - 2) Science-Engineering Auditorium — Use of the facility is scheduled through the Dean of Fulbright College of Arts and Sciences.
 - 3) Barnhill Arena — Use is limited to times when there is no athletic event; use of facility is scheduled through the Director of Women's Athletics.
 - 4) East side of Vol Walker Hall — Use is limited to such activities that do not involve hawking of wares.
 - 5) Within common-use areas of living units — Use is limited to (1) such activity that is initiated, planned, and executed by that living unit and adheres to established approval procedures, and (2) such activity or service that is specifically requested by that living unit. Under no circumstances is door-to-door selling, soliciting, or canvassing permissible.
 - f. Requests for fund raising activities at locations other than those specifically named above must receive
 - 1) approval for fund raising from the Office for Student Involvement & Leadership Director, and
 - 2) approval of the site by the Director of the Physical Plant and the person responsible for the facility requested.
 - g. The Committee on Student Relations shall rule on cases brought to their attention where there is some question as to whether the above conditions are met.

I. USE OF UNIVERSITY FACILITIES

1. General Policies

- a. University facilities and outdoor space are governed by the policies of the Board of Trustees of the University of Arkansas and exist for the primary purpose of serving a planned and scheduled program of educational activity. Consistent with Board of Trustees Policy 705.1 and University wide Administrative Memorandum 715.1, when not required for regularly planned educational or research programs, and subject to other University policies, University facilities or outdoor space may be made available for use by University entities and Non-University entities. University entities shall only include colleges, departments, and other university organizational units; faculty; staff; students; University-related foundations and University alumni association; and registered student organizations. Non-University entities shall only include individuals and organizations that are not acting as University entities and

are not sponsored by a University entity. Use of University facilities or space must not interfere with educational activities of the University. Moreover, such use is conditioned on receiving prior approval consistent with the procedures described below. Notwithstanding anything to the contrary, all uses of University facilities and outdoor space by University entities or non-University entities shall remain subordinate to the University's right to use the facilities at any time to advance the educational mission of the institution.

- b. Subject to all other University policies, the University prohibits the use of facilities and outdoor space for private, for-profit business activities. The University regulates any use of its buildings and grounds for solicitation, including fund-raising activities. Non-University groups or organizations shall not use university facilities for private purposes, for the conduct of private business and/or to raise money for projects not connected with a University activity except as otherwise permitted by University policy.
- c. Consistent with the University's educational mission, first priority for use of facilities or outdoor space shall go to University entities, and the University reserves the right to modify or cancel reservations accordingly. Moreover, to help ensure a diverse array of activities and uses, non-University entities are limited to a maximum of five reservations each Fall semester, Spring semester, and summer with any portion of a calendar day considered one reservation. Subject to policy B.3, below, Non-University entity reservations must be requested no later than three-business days prior to the day of the event. Student reservations must be made through a registered student organization with the prior approval of the faculty or staff advisor. These provisions are not intended to limit informal student use of small group study or meeting space reserved according to facility-specific policies.
- d. Those requesting reservations must agree to be financially responsible for all costs associated with the reservation, including but not limited to security costs, cleanup, or damage to University property. Moreover, if warranted by the nature of the event, the University may require a requestor to obtain appropriate insurance coverage and/or to indemnify the University, its officials and employees for any claims pertaining to the use of the University's facilities.
- e. Non-University entities will not be allowed to reserve spaces and/or facilities during "Dead Days", any official examination periods, and all dates of any Official University Commencement activities.

2. Reservation Procedures

The following procedures apply to reservations requested by or for individual faculty, staff or students; registered student organizations; or non-University entities:

- a. **Indoor Space:** Those requesting a reservation of an indoor University facility/space should contact the building executive responsible for that location and follow any policies and procedures established for that site.
- b. **Outdoor Space:** Those requesting a reservation of an outdoor University facility/space must complete a reservation form and submit the form to Physical Plant or the office responsible for the location to be used. If approved by that office, then that office shall provide a copy of the approved request to the organizer, and shall forward other copies of the reservation to the University calendar in the ID and Information Office, University Relations, Student Involvement, and the University of Arkansas Police Department (UAPD).
 - 1) **Outdoor Reservation Forms:** Copies of the Outdoor Facility/Space Reservation Form may be obtained from the Office for Student Involvement (A665 Arkansas Union), the Office of the Director of Physical Plant, the University web site at www.uark.edu/campus-resources/rstoinfo/, and the office of University officials having authority to approve requests.
- c. **Security Assessment:** If (1) an event is expected to have 500 or more people in attendance; or (2) if a security assessment is requested by a university official; or (3) if, in the opinion of the organizer, the event might require security, then, in all such instances, the organizer must

contact the Director of UAPD or the Director's designee at least three business days prior to the event to enable an assessment of potential security needs, including estimated costs to the organizer. UAPD must certify that this review has been completed prior to University approval of the space reservation. If the Director or his designee recommends that security be provided for the event, UAPD will provide a brief description of the expected arrangements and estimated costs; such costs shall be the responsibility of the event organizer as a condition of approval of the reservation, along with any other required costs.

- d. **Approval Subject to Review:** At all times, any reservation approval is conditioned upon full compliance with all University policies and all reservation requirements. The University reserves the right to disapprove the request of any entity that fails to comply with University policies or state or federal law, or which has damaged University facilities at any time.
- e. **Available Facilities:** A list of reservable facilities / outdoor spaces and the approving official/department is available in the Student Handbook or on the University web site at www.uark.edu/campus-resources/rstoinfo/.
- f. **Fundraisers:** Fundraisers sponsored by Registered Student Organizations must be approved by the Office for Student Involvement and Leadership (A665 Arkansas Union) no later than two weeks before the event is to take place. The fundraising form is available in the Office for Student Involvement and Leadership. The Office of Student Organization Accounts (Hunt Hall 101) keeps records of income generated by the activity. All funds must be deposited with the Office of Student Organization Accounts.

3. Additional Facility Use Policies

- a. **Organizer Presence Required:** The organizer must be present throughout the event with a copy of the approved reservation form for the duration of the function and present the form to UAPD if requested. The event may be terminated by UAPD for failure to have a copy of the approved reservation form on the premises.
- b. **Alteration of University Property:** Alteration or physical modification of property owned or leased by the University is not permitted. To prevent damage to University infrastructure, Physical Plant must approve the erection of tents or any temporary structures.
- c. **Decorations:** The organizer must have decorations approved and/or facilities inspected for safety in advance by Physical Plant or the facility official.
- d. **Property Damage:** Any group or individual that causes damage to University property must pay any charges necessary to return the property to its original state; University employees, students or organizations may also be subject to disciplinary action.
- e. **Organizer Arrangements:** The organizer shall be responsible for addressing issues such as special power requirements, access to restrooms, adequate waste receptacles, and inclement weather sites. Many campus buildings are closed after hours and on weekend/holidays; therefore, power and restrooms are not readily available. If waste receptacles are overflowing after an event, then the requestor/sponsoring group will be charged the additional cleanup costs incurred by the department that operates the facility/outdoor space. The organizer shall be solely responsible for any and all costs arising from or relating to any event and by requesting to use University facilities agrees to pay all such charges.
- f. **Publicity, handouts, etc.:** All publicity, handouts, printed materials, etc. are governed by University policies and procedures. These procedures are outlined in Appendix C of the Undergraduate Catalog of Studies in sections entitled "Publicity and Literature" and "Printed Materials".

4. Sound Regulations on Campus and Respect for Others

- a. **Noise Disturbances to be Avoided:** University entities and non-University entities must respect others' rights by not creating noise disturbances on the campus or around residences. The sound regulations apply to outdoor campus events that may potentially cause noise

- disturbances regardless of whether or not amplified sound is used (e.g., outdoor music performances).
- b. **Maximum Decibel Levels:** Absent a written waiver from the University, outdoor events held on campus must abide by the following sound regulations, which prohibit unreasonable sound disturbance.
 - 1) A level of 70 decibels will be permitted in approved locations from 6:00 PM Sunday through 6:00 PM Friday.
 - 2) A level of 80 decibels will be permitted in approved locations from 6:00 PM Friday through 6:00 PM Sunday.
 - c. **Noise Complaint Procedures:** If a complaint is registered with UAPD, then decibel levels will be measured by UAPD from the location of the activity as well as at the source of the complaint to assure compliance with approved levels. An attempt will be made to work cooperatively with the event sponsor in assuring approved sound levels. If cooperation does not occur, and if deemed appropriate by UAPD, the event may be terminated.
 - d. **Additional Sound Restrictions:** During the week (Sunday evening through Friday afternoon), sound systems may be used on campus and around University residences only between the hours of 10:00 am and 11:00 PM. The use of sound systems during the weekend must be terminated by 1:00 am on Saturday and Sunday mornings.
 - e. **End of Semester Policy:** Outdoor events which could create noise disturbances on campus will not be approved after the last day of classes through the end of finals each fall and spring semester.
 - f. **Notification to Others:** Event organizers are responsible for notifying parties potentially affected by their event sound levels or activities. The University may approve lower sound levels in locations surrounding Fayetteville residential areas.
 - g. **Athletics:** Any official athletic contest or spirit event sponsored or hosted by Men's or Women's Athletics or any Razorback Band practice or performance shall be exempt from the sound restrictions contained in this policy.

5. Procedures for Use of Facilities By Student Organizations

- a. Any registered student organization may use University facilities for open or closed meetings or performances subject to an University policies regarding use of University facilities and outdoor space.
- b. If an off-campus speaker or performer is to be invited to address an open meeting of a registered student organization, the faculty/staff adviser, or in the absence of an adviser, a tenured faculty member, must give his or her approval prior to the time that an invitation is extended and publicity is released. The University administration may properly inform an organization concerning its views on any proposed meeting to which an off-campus speaker or performer has been invited but will leave the final decision concerning the meeting to the organization and its adviser.
- c. Publicity and communications concerning any meeting shall clearly identify the sponsoring organization and shall carefully avoid any stated or implied University sponsorship. In all open meetings at which an off-campus speaker will speak, a tenured faculty member shall serve as moderator and a reasonable period shall be reserved for questions from the audience.
- d. An invitation to a speaker does not necessarily imply approval or disapproval of the speaker or his or her views by either the University or the student organization. In case a request for the use of a University facility by a registered student organization cannot be granted, it is the responsibility of the University officer to whom the request was made to notify promptly in writing the organization making the request stating the reasons for the denial.
- e. Speakers may be invited to the campus to discuss political issues. Recognized student organizations may solicit memberships and dues at meetings. However, political party membership may not be supported or opposed, money may not be raised for projects not

directly connected with a University activity, and private business may not be conducted in University facilities.

6. Scheduling Events

- a. A registered student organization may use University facilities for meetings and to all University policy regarding use of University facilities and outdoor space as well fund raising, legal, reservation, and scheduling considerations. In the interest of minimizing conflicts, all co-curricular events (i.e., dances, concerts, speakers, workshops, etc.) sponsored by student organizations and held outside a campus living unit are to be placed on the University calendar in the I.D. and Information Office after the facility has been reserved with the person or office responsible for the facility. Decisions relating to fund-raising projects of registered student organizations shall be determined by the Office for Student Involvement & Leadership Director or designated representative according to the fundraising policies found earlier in this section.

- b. Activities for which various facilities may be used are as follows:

Concerts

- Fine Arts Concert Hall
- Fine Arts Theater
- Chi Omega Greek Theater
- Fine Arts Open Air Theater
- Arkansas Union
- All auditoriums
- Barnhill Arena

Dances

- Arkansas Union
- Residence halls

Lectures and Convocations

- Arkansas Union
- Bell Engineering Center
- Old Main
- Waterman Hall
- Fine Arts Concert Hall
- Barnhill Arena
- Science-Engineering Auditorium
- Chi Omega Greek Theater
- HPER Building gymnasiums
- All auditoriums
- Razorback Stadium
- Broyles Athletic Complex

Meetings and Study Halls

- Arkansas Union
- All auditoriums
- Fine Arts Concert Hall
- Fine Arts Theater
- Chi Omega Greek Theater
- classrooms

Recreational Events

- Arkansas Union
- HPER Building
- Chi Omega Greek Theater
- The area between Bough Commons and Humphreys Hall
- Intramural Fields

Barton Pavilion (Agri Park)
 Barnhill Arena
 Track/Tennis Center
 University Track
 Parking Deck

7. Reserving Facilities

- a.** Facilities for any event or meeting must be reserved with the person or office responsible for the facilities to be used as listed below:

Administration Building Conference Rooms (Chancellor)
 Animal Science Auditorium (Department of Animal Sciences)
 Arkansas Union Arkansas (Union Reservationist)
 Barnhill Arena (Director of Women's Athletics)
 Barton Pavilion (Agri Park) (Director, Agricultural Experiment Station)
 Bell Engineering Center (Dean, College of Engineering)
 Business Administration Auditorium (Dean, College of Business)
 Chemistry Auditorium (Chair, Department of Chemistry)
 Chi Omega Greek Theater (Director, Physical Plant)
 Classrooms (Registrar)
 Continuing Education Center (Dean, Division of Continuing Ed.)
 Engineering Hall Auditorium (Dean, College of Engineering)
 Fine Arts 213 (Lecture Hall) (Chair, Department of Art)
 Fine Arts Concert Hall (Chair, Department of Music)
 Fine Arts Theater (Chair, Department of Drama)
 Graduate Education Auditorium (Dean, College of Education)
 Home Economics Auditorium (Head, Department of Home Ec.)
 HPER Building Gymnasiums (Head, Department of Health Science, Kinesiology, Recreation, and Dance)
 Kimpel Hall Auditoriums (Dean, Fulbright College)
 Leflar Law Center (Dean, School of Law)
 Mullins Library Seminar Rooms (Director, Libraries)
 Old Main Auditorium (Dean, Fulbright College)
 Ozark Hall Auditorium (Dean, Graduate School)
 University Housing facilities (University Housing)
 Science Engineering Auditorium (Dean, Fulbright College)
 Science Engineering Center (Dean, Fulbright College)
 Vol Walker Hall Auditorium (Dean, School of Architecture)
 Other arrangements through the responsible person or agency.

b. Service Charges

- 1) With the exception of the Arkansas Union Building, Barnhill Arena, and Barton Pavilion (Agri Park), no routine service charge will be made for use of facilities identified herein. However, any special services provided by the Physical Plant or other departments will result in appropriate charges to the using groups.
- 2) Ordinary maintenance requirements-(i.e., scheduled refinishing of floors, painting, etc.)-will be assumed by the University even though this schedule may be advanced due to the extra use of such facilities.
- 3) Reservation forms are available at the Office for Student Involvement & Leadership in the Arkansas Union, the Office of the Director of the Physical Plant, and in the offices of University officials having authority to approve requests. The forms are to be filled out in quintuplicate by the representative of the group or organization requesting the use of the facilities, then submitted to the person responsible for approving the request.

- 4) Scheduling should take place sufficiently in advance of the using date to permit necessary adjustments and arrangements. Two weeks is the normal time required for activities requiring special services. It is expected that major events will be scheduled as far in advance of the activity date as possible.

c. Use of Union Facilities

- 1) Room Reservation: Requests to use meeting rooms in the Arkansas Union will be honored for officially registered student organizations, University departments, non-University official guests, and official guests of the University (as approved by the Vice Chancellor for Student Affairs). Reservations for space are made by the Reservations Office, ARKU 634. The reservations should be made at least 24 hours prior to the event. Larger events must be scheduled at least two weeks in advance. University scheduled classes for credit may not be held in the Union.
- 2) Student groups that are spontaneous in nature, or are forums on current campus events may use Union meeting rooms with the approval of the Arkansas Union Director. These groups shall have the privileges of an officially registered student organization with the exception of fund-raising activities.
- 3) Groups reserving rooms in the Union are granted exclusive use of such rooms for the time period reserved.
- 4) Non-University Entities: Non-University entities may request to reserve space in the Union, subject to the approval of the Vice Chancellor for Student Affairs or designee and all applicable University policies.
- 5) Information Tables: Requests to use information/display tables in the Arkansas Union will be honored by students, student organizations, and University departments. The Arkansas Union Reservations Office, Room 634, will make all arrangements.
 - a) All table activities must carry the identification of the sponsoring organization.
 - b) A representative of the sponsoring organization must be present at the table at all times.
 - c) Organizations may reserve table space in five-day increments. If table space is available at the end of this five-day period, requests for extension will be honored in two-day increments.
 - d) Promotions may take the form of ticket sales, collection of funds, handing out of literature, etc.
 - e) Tables must be kept neat and orderly. Materials must be removed at the end of each day.
 - f) All table activities are limited to the confines of the table. Traffic flow through the hallways cannot be restricted. Information table activities cannot interfere with the rights of others operating other information tables.
 - g) Talking to the customers of the Arkansas Union or loud and boisterous activity will not be allowed.
 - h) Fundraising activities must be approved prior to reserving an information table. Fundraising is the collection of money in any form for any reason. The Arkansas Union Student Involvement and Leadership Office in accordance with University regulations must approve fundraising activities in any form.
- 6) Non-University related groups may reserve information/display table space if:
 - a) The use of the booth would result in a service to the University community that is needed and is of measurable benefit, i.e., telephone service, etc.
 - b) The use of information/display table space is a recruitment of students and sponsored through the University Career Development Center, the U.S. Armed Forces recruiting teams, or other government agencies sponsored by the University Career Development Center, Arkansas Union Reservations are made in Room 634. A Union Reservationist can be reached at 575-2146, Monday-Friday, 8 am – 5 pm.

d. Publicity and Literature

Subject to all other University policies regarding the use of University facilities and outdoor space, the campus is open to the distribution of literature and petitions, and student-use bulletin boards have been provided in all University buildings. Generally, all organization publicity, handouts, etc., are governed by the following regulations, which do not include the additional restrictions of the Election Code, available in the ASG office, Arkansas Union.

- 1) Signs will not be attached to trees, interior or exterior surfaces of academic or administrative buildings or surfaces of University equipment (trash cans, light poles, etc.). This specifically includes gummed or pressure sensitive material and is applicable to windows and other glass surfaces.
- 2) Signs not exceeding four square feet in area may be placed on stakes in the ground provided the stakes are not larger than one square inch.
- 3) Publicity campaigns and literature signs must not obstruct traffic, create a safety hazard, restrict normal physical plant activity such as ground care, or interfere with academic or business functions of the University.
- 4) All signs must carry the name of the sponsoring organization.
- 5) All signs and leaflets must be removed and the area completely cleaned up on the day following the final day of the event being publicized. All remaining signs will be cleaned up by the appropriate University personnel and charges billed to the sponsoring organizations.
- 6) Campaign publicity must follow the guidelines set out in the Election Code in addition to those outlined above.
- 7) Signs posted in the Arkansas Union must be dated in the Office for Student Involvement & Leadership and are subject to Union Governing Board guidelines.
- 8) All residence halls have one general bulletin board to which free access for posting signs is available. Students should check with a Resident Assistant or the Resident Director to find its location. Permission to post notices on floor bulletin boards or in any other areas of the hall must be approved by the Director of University Housing.
- 9) Campaigning for election will not be allowed in the dining rooms. Tables for selling or solicitation for petition signatures may beset up in the lounge area at Brough Commons only.
- 10) A city ordinance prohibiting putting handbills on vehicles without the owner's permission does apply to the campus. Clearance for such activity must be obtained from the Office of the Dean of Students and the University of Arkansas Police Department.

e. Printed Materials

Printed matter may be sold or distributed free on the campus and in the following are University buildings: the Arkansas Union (in areas designated by the Union Governing Board), the lower lobbies of Brough Commons, and other areas in residence halls or food service units designated by the Director of University Housing. Such sale or distribution is subject to the limitation that it must not disrupt classes, food service, or the free flow of faculty, staff, or students, and that sales persons may not hawk their wares.

J. STUDENT ORGANIZATION RESPONSIBILITIES FOR ALCOHOL AND OTHER DRUGS

A process of progressive intervention will be followed in the event that a student group or organization is cited for violation of the University alcohol and/or drug policy. This process will be administered for a period of four years beginning with the most recent policy violation.

1. First Infraction

- a. Initial policy violations will result in cancellation and non-approval of all social functions for eight academic weeks. These eight weeks will be counted during the fall and spring semesters. (Generally, the summer months will not count toward this eight-week period).
- b. Appropriate documentation will be filed with the Judicial Affairs Office and sent to the president of the organization and the national organization. Consequences for further violations will be included.
- c. The membership of the student group/organization at minimum will be referred to the Student Assistance Program (SAP) and required to attend the alcohol and other drug education series.

2. Second Infraction

- a. Second policy violations will result in cancellation and non-approval of all social functions for 16 academic weeks. This 16 weeks will be counted during the fall and spring semesters. (Generally, the summer months will not count toward this 16-week period).
- b. The student group/organization may at minimum be placed on University disciplinary probation by the appropriate judicial board for a period of one year.
- c. Documentation will be presented to the national organization, with a copy to the Dean of Students Office, citing the present disciplinary status with the University and the consequences for further violations.

3. Third Infraction

- a. The student group/organization will be considered for suspension of its status (authorization) as a registered student organization of the University. Accordingly, the organization loses all privileges associated with that official status.

In all infractions, whether student or organizational in nature and depending upon the surrounding circumstances, additional disciplinary sanctions may be levied. It is the University's expectation that students who belong to organizations that have stricter policies than those of the University will adhere to those stricter policies.

4. Policy for Social Events

University of Arkansas Board Policy No. 865.1, May 11, 1957.

- a. There shall be no use of alcoholic beverages at any all-University function. An all-University function is hereby defined as a function that any student may freely attend.
- b. Alcoholic beverages shall not be used in any University-owned educational or recreational building.
- c. Alcoholic beverages shall not be used at any undergraduate student social function.
- d. In any other situation not defined herein, the Student Senate disapproves of the use by students of alcoholic beverages in violation of state laws.
- e. A social function is defined as any event given by or for an organization.
- f. No student activities shall be conducted in such a manner as to interfere with classes, studies, or other University functions. Hazing that may result in injury or undue degradation of the individual is not permitted.

The following procedures have been established to emphasize the shared responsibility of the host organization and individuals attending social events. Social events are defined as any event outside the normal operations of the organization. These procedures are intended to reduce risks associated with social events and to assure compliance with University policies as well as state and local laws concerning the use of alcohol and other drugs.

5. Registration

Any social event that is to be held on the University property or in organized student housing by one or more student organizations must be registered. Student organizations other than living groups will register social events through the Office of Office for Student Involvement & Leadership. Living groups (Residence halls and Greek houses) will register events through University Housing or the Office of Greek Life, respectively.

All social events must be registered at least one week prior to the date of the event. Student organizations will have a designated faculty adviser or authorized sponsor present at the event. In addition, the registering office representative will meet with the organization leader(s) to plan procedures in accordance with these guidelines for the event. Social events will not be permitted unless complete compliance with these procedures, University policies, and state and local laws can be assured to the best of the ability of the hosting group(s).

6. Policy for Events in Greek Houses

a. Invitation and Guest List

All social events will be restricted to invitation and guest list. Guests (other than members and the dates of the sponsoring group(s) must receive written invitation prior to the event. Invitations will be collected and disposed of at the approved entrance(s) and will include the name of the function, the sponsoring group(s), date, time, the University policy concerning the use of alcohol, and where appropriate the organization's official identification symbol. A guest list must be present at the entrance to allow for those guests who do not have their invitations.

b. Maximum Occupancy

The maximum number of individuals permitted to be in attendance at a particular event at any one time must be determined prior to the registering the event and in conjunction with the appropriate fire marshal and the University personnel registering the event. The host group(s) will be responsible for keeping an accurate count of the number of individuals in attendance at any one time.

c. Entrances and Exits

The number of permissible entrances for a registered social event will be determined at the time the event is registered and by the office registering the event. Likewise, the number of exits (along with the appropriate requirements for staffing them) will be determined by the registering office at the time the event is registered and will be based on appropriate fire codes and safety requirements.

d. Outdoor Activity

Outdoor activities are permitted; however, the hosting group or groups are reminded that alcoholic beverages are not permitted in any public area of the living units or on the University campus.

e. Marshals

Marshals should be identified individuals (e.g.: via t-shirts or arm-bands) who are responsible for the proper management of the social event. They are expected to be on duty for the duration of a social event. Marshals will refrain from consumption of alcohol and work with the faculty adviser or sponsor and UAPD officers, when appropriate. Some of the marshal's responsibilities include but are not limited to: controlling entrances and exits, verifying invitations, confronting individuals with alcohol in public areas, confronting other persons displaying inappropriate behavior, assuring that no alcohol enters or leaves the social function, and making decisions regarding the continuation of an event, if necessary.

A two-hour training program is conducted for marshals at the beginning of each semester by UAPD, and all potential marshals for a student organization's social events are required to attend. In addition, it is required that the organization's four major officers and activities chair-person attend for these training programs.

f. University of Arkansas Police Officers

The registering office of the sponsoring group(s) will determine whether the organization will need University of Arkansas Police Department (UAPD) designated officers present at the event. The registering office representative will make the request to the UAPD for officers. The sponsoring organization will be responsible for employing the officers at a time and one half rate. The number of officers employed will be determined by the registering office and the Director of the UAPD.

g. Structures

Due the potential liability, the only structures that the University will permit to be constructed are fences built to insure that only those individuals possessing an invitation enter the event. Materials must be evaluated by the City Fire Marshal for safety. Any structure must be approved a week before building is to start by the Greek Affairs Office. The building of structures may begin one week prior to the social event.

h. Clean-up

A clean-up committee must be identified prior to the activity. Clean up of the outside property, fences, and neighborhood must be completed immediately following the event. All materials must be removed within two days of the function.

7. Off-Campus Social Events

Any registered student organization that sponsors a social event away from campus is obligated to adhere to all local and state laws. It is the responsibility of the sponsoring group(s) to institute measures to assure that minors do not consume alcoholic beverages at off-campus social events.

8. Violations

If University policies, state and/or local laws are violated during or as a result of a social event, the sponsoring group(s) will be considered responsible and held accountable for the violation(s). The group must understand that other potential legal liabilities may also occur for the organization, individual students, officers, guests, and advisers. Littering, infringing upon the rights of others, and abuse of public or private property are also examples of violations of this policy. Other possible violations of University policy will include but are not limited to the following:

- a. Failure to register functions
- b. Construction of unauthorized structures
- c. The failure to use required entrances and exits properly
- d. The consumption of alcohol by individuals who are under the legal age
- e. The providing of alcohol to any person under 21 years of age
- f. The consumption of alcohol outside the privacy of assigned student rooms
- g. Allowing individuals without written invitations to enter the party
- h. Failure to provide adequately trained and identified marshals to supervise the event
- i. Failure to collect and account for invitations at the door
- j. Exceeding the maximum number of guest at any given time
- k. Failure to comply with the policies regarding Sound System and Sound Ordinances
- l. Failure to adhere to clean-up plans
- m. Failure of responsible members to attend all training sessions.

9. Sanctions

Possible penalties for violations of these regulations include:

- a. Legal action, including citation or arrest.
- b. University disciplinary action that will include loss, curtailment, or elimination of student social functions and notification of national organization where applicable.
- c. Student organizations may also lose their recognition as a campus organization.

10. Certification of Agreement to Comply

These policies must be posted in a conspicuous spot for all members of the group to read. Verifying signatures of executive officers and advisers of these policies will be required as part of the registration form.

NOTE: All groups should remember that these are minimum standards of care that should be exercised in all social events. Depending on the scope of activities, additional measures may be deemed necessary by the group/university to insure a safe and enjoyable activity.

V. STUDENT RECORDS**A. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

FERPA provides that a student may inspect his or her education records. If the student finds the records to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, the student may request amendment to the record. FERPA also provides that a student's personally identifiable information may not be released to someone else unless (1) the student has given a proper consent for disclosure or (2) provisions of FERPA or federal regulations issued pursuant to FERPA permit the information to be released without the student's consent. A student may file with the U.S. Department of Education a complaint concerning failure of General Administration or an institution to comply with FERPA

NOTE: For complete information regarding FERPA please reference www.ed.gov/offices/OM/fpco/ferpa1.html

B. RELEASE OF DIRECTORY INFORMATION

The University of Arkansas has routinely made public certain information about its students. Typically, the University releases the names of students who are selected by the various honorary societies, receive scholarships, make the Dean's List, hold offices, or are members of athletic teams. The annual commencement program publishes the names of persons who have received degrees from the University during the year. The Family Educational Rights and Privacy Act defines the term "directory information" to include the following information: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The University may make public information about each student limited to these categories in ways such as those described above. Of course, information from all these categories is not made public in every listing. Students who do not wish to have any or all of such "directory information" made public without their prior consent must notify the Office of the Registrar of this fact in a signed and dated statement specifying items not to be published. This notice must be received by the Office of the Registrar by the end of the registration period for the semester or session of first enrollment or, after an absence, of re-enrollment and by the end of each fall registration thereafter.

C. INSPECTION AND REVIEW OF RECORDS

1. The law provides students with the right to inspect and review (within 45 days of request) information contained in their education records (as defined above), to challenge the contents of their education records and to have a hearing if the outcome of the challenge is unsatisfactory (see below), and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.

2. The Registrar has been designated by the institution to coordinate the inspection and review procedures for student education records. Such records are maintained at several locations on the campus. The locations are shown in Appendix H, together with the title of the official to be contacted for access to the records. A written request may be required. Students wishing to review their education records must make written requests to the administrator shown there. If the student is uncertain as to the location of a particular record, a written request should be addressed to the University Registrar listing the item or items of interest.
3. Students may have copies made of their records unless a financial "hold" has been placed on the record by an appropriate university official. Such copies will be made at the student's expense at a cost of \$.10 per page with the exception being a student transcript which will cost \$2.00.
4. Students do not have the right to inspect and review the following, as outlined by the act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The institution is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

D. AMENDMENT OF A STUDENT RECORD

1. If a student believes that the information contained in his/her education records is inaccurate or misleading, or that it violates privacy or other rights, the student may request that the University amend the record. Such request shall be in writing addressed to the Registrar, and shall specify the amendment sought.
2. The Registrar or his/her designee shall, within 30 days after receiving the student's request, and after consulting with appropriate University officials, decide whether the record will be amended in accordance with the request and inform the student. If the decision is to refuse to amend the record in accordance with the request, the Registrar shall simultaneously advise the student that he/she may request a hearing to challenge the content of the education record to ensure that the information therein is not inaccurate, misleading or otherwise in violation of the privacy or the rights of the student.
3. If the Registrar receives a request for a hearing, he/she shall request that the Chancellor appoint a panel of three University faculty or staff members to conduct the hearing. Persons appointed shall be individuals who have no direct interest in the outcome of the hearing. The Chancellor shall designate the chair of the panel and shall provide the panel such assistance as he/she deems appropriate.
4. The chair of the hearing panel established as in Section C above shall notify the student and the Registrar of the date, time and place of the hearing at least five days before the hearing.
5. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue whether the information in the student's education record is inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The student may be assisted by individuals of his/her choice at his/her own expense, including an advisor.
6. The Registrar or persons appearing on his/her behalf shall be afforded a like opportunity.
7. The panel shall make its decision solely on the basis of the evidence presented at the hearing. The decision of the panel shall be in writing and shall include a summary of the evidence and the reasons for the decision.
8. If the opinion of the panel is that the information in the student's record is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the committee

shall forward to the Chancellor its written recommendation. The Chancellor will forward to the student his decision in ten class days.

9. If the panel decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting on the records and setting forth the reasons for disagreeing with the agency or institution. Such statement shall thereafter be maintained as part of the education record and thereafter disclosed to any party to whom the contested record is disclosed.
10. If the student believes that the procedures determining the challenge were unfair or not in keeping with FERPA requirements, he/she may direct a written appeal to the Chancellor.
11. Students who believe that the adjudications of their challenges were unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the Chancellor. Further, students who believe that their rights have been abridged, may file complaints with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20201, concerning the alleged failures of the University of Arkansas to comply with the Act. For further information, students may consult the Registrar, who has available copies of the FERPA and the U.S. Department of Education's regulations.

VI. UNIVERSITY IDEALS AND ORGANIZATION

A. THE MEANING OF A UNIVERSITY

No great university is merely a reflection of the society in which it exists. It is a place where truth is freely sought, where inquiry is encouraged, where new ideas and new ways may develop and flourish at the expense of the old. It is a seedbed of change in an ever-changing society. An academic community grows only when its members may act and express themselves freely and without fear.

To preserve these basic concepts, certain rights and responsibilities must be established. These rights and responsibilities in no way limit the broader freedoms that are guaranteed to citizens in a free society.

B. UNIVERSITY GOVERNMENT

Students shall be accorded the maximum opportunity, consistent with the efficient operation of the University, to participate in the making of policies and decisions that concern them.

C. ACCESS TO HIGHER EDUCATION

Students shall be free to express opinions and communicate ideas by publishing and distributing written materials, whether such publications be official or otherwise, subject only to federal, state, and local law.

D. THE LEARNING PROCESS

A free, effective educational process depends upon the available opportunities. It is the role of the instructor to encourage free discussion, inquiry, and expression in the classroom. It is the role of the students to be intellectually alert to information presented and to accept or reject that information, based on informed opinion, without fear of penalty. Students must be evaluated solely on the basis of academic performance and must be graded in a manner that reflects a good faith judgment of their work. To secure a fair evaluation, it is the responsibility of every student to develop intellectually within the legitimate confines of each

course.

E. EMERGENCY INFORMATION-PARENT NOTIFICATION

When a University staff member becomes aware that a student is suffering from a serious injury or illness or is abnormally absent from his or her housing unit, the next of kin will be notified under the following circumstances:

1. Seriously injured or ill. In some cases, in accord with the wishes of the student and upon the advice of a University physician or psychiatrist, notification may be delayed or omitted. This decision will be made in consultation with the Vice Chancellor for Student Affairs.
2. Abnormally absent from his or her housing unit and from class attendance for a sufficient period of time to cause concern for personal welfare.

F. FREEDOM OF EXPRESSION

Higher education is a vehicle for the social and economic advancement of the individuals in a democracy. The University of Arkansas will always admit qualified students, and students may use University facilities and services regardless of age, disability, ethnic origin, marital status, race, religious commitment, sex, or sexual orientation. (See Campus Council on page 224.)

G. Student Grievance Procedure

1. Grievances Regarding Administrative Decisions:

The All University Judiciary (AUJ) shall review the substance of a regulation or administrative decision that is alleged to be inconsistent with rights and responsibilities of students established in the Student Handbook and is not appropriately dealt with by the Residence Life and Dining Services Review Board or the Academic Due Process procedures. This review authority shall not include monetary claims against the University of Arkansas. The procedures for such review shall be as follows:

- a. The student or student group making the allegation shall submit to the Dean of Students a written statement of the reason for appeal.
- b. The Dean of Students shall promptly send a copy of the letter to the Chairperson of the AUJ.
- c. The Judiciary shall determine whether it will accept the appeal. If the appeal is rejected, the appealing party shall be notified. If the appeal is accepted, the Judiciary must immediately notify the appealing party and the administrative office or group responsible for the challenged regulation or administrative decision.

The Judiciary must also provide to the administrative officer a copy of the written statement of the reason for the appeal. The Judiciary shall thereupon conduct a hearing on the matter. The Chairperson of the Judiciary shall send to the Dean of Students a written statement of the decision and reasons for it.

- d. The Dean of Students shall promptly send to the originator of the appeal a duplicate copy of the Judiciary's statement. If the decision of the Judiciary or panel is that a regulation or an administrative decision is inconsistent with the guidelines in the Student Handbook, the Dean of Students shall notify the office or person responsible for the regulation or administrative decision and ensure that action consistent with the decision is undertaken immediately. The Dean of Students shall also make the decision public in an appropriate manner. If the decision of the Judiciary or panel is that the regulation or administrative decision is consistent with the guidelines in the Student Handbook, the student or student group making the allegation may appeal the decision to the Vice Chancellor for Student Affairs and, if still dissatisfied, to the Chancellor of the University. This right of appeal of the decision extends only to the student or student group making the allegation.
- e. The Dean of Students shall keep a file of all decisions for future reference.
- f. The procedural rules of the AUJ shall include provisions for expedited consideration of urgent cases in which it is alleged that a regulation or administrative decision threatens

immediate and irreparable infringement on student rights as defined in the Student Handbook.

- g. If a majority of the AUJ or a majority of the appointed panel should decide that the request for expedited handling of a case should be granted, the Chairperson shall have the discretionary authority to request the individual or the group responsible for enforcing the challenged regulation or administrative decision to postpone action or to withdraw action already taken. The Chairperson, however, may make such a request only if such a postponement of action or withdrawal of action will not, under the circumstances, preclude, predetermine, or render irrelevant the ultimate intention of the AUJ or panel. If necessary, the AUJ or panel may announce its decision in such a case without a written statement of its reasons, provided that such a statement of reasons shall be filed as soon as possible after the announcement of the decision.

H. Freedom of Association and Inquiry

Students are free to form and/or join any association that interests them. Students are free to examine and discuss, individually and collectively, all questions of interest to them, including questions relating to University actions or policies. They may express opinions on such subjects both publicly and privately. University officials may not abridge the right of students to petition for redress or grievances.

I. Freedom of Assembly

Students, as citizens of the University community, possess the right to assemble, discuss issues, distribute literature, circulate petitions, and make use of campus bulletin boards for the purpose of promoting and publicizing activities or causes subject to the provisions stated in Rights and Responsibilities and to procedures respecting the use of University facilities and policies regarding outside speakers. When a student or a student organization wishes to participate in a scheduled University or student sponsored program, activity, or event, permission must be obtained from the sponsoring group prior to the program.

J. Administrative Organization

The Board of Trustees has the legal control and responsibility function for the multi-campus University of Arkansas. Meetings of the Board of Trustees are scheduled at least bimonthly. The Board of Trustees is composed of ten members appointed by the Governor for staggered 10-year terms and has constitutional status. The **President** is the chief executive officer of the University and is responsible to the Board of Trustees. The **Chancellor** is the chief executive officer on the Fayetteville campus and reports to the President. Four **Vice Chancellors** on the Fayetteville campus are responsible to the Chancellor for their respective areas. They are the Vice Chancellors for Student Affairs, University Advancement, Academic Affairs, and Finance and Administration. Deans are the chief administrative officials of the various colleges and schools. Deans, directors, and other administrative officials are responsible to the appropriate Vice Chancellors or directly to the Chancellor for the discharge of duties and responsibilities placed on them.

K. Campus Governance

The Articles of Local Campus Government for the University of Arkansas, Fayetteville, were adopted by the Board of Trustees as Board Policy 810.1, and appear in the Faculty Handbook. The University has a long tradition of student participation in campus governance. Some important elements of the governance structure are briefly outlined here. The **Campus Faculty** has responsibility for all matters of academic concern under the Board of Trustees, including admission requirements, curriculum and courses, degrees and requirements for degrees, calendar and schedule, award of honors and honorary degrees, student affairs, and interpretation of its own legislation and policies. The Campus Faculty also makes recommendations to the Chancellor, the President, and

Board of Trustees on other institutional matters of concern to faculty. The Campus Faculty refers initiated legislation to the Campus Council for formulation and action. It also forms standing and ad hoc committees as necessary to carry out its function. Current standing **Campus Faculty committees** are as follows:

- Academic Advisory Council on Undergraduate Curriculum
- Academic Standards
- Admission and Transfer of Credit
- All-University Judiciary
- Artists and Concerts
- Athletics
- Commencement
- Committee on Committees
- Continuing Education
- Distinguished Lecturers
- Faculty Orientation
- Financial Advisory
- General Education Core Curriculum
- Honorary Degrees
- Library
- Nominating and Election Coordinating
- Student Financial Aid
- Student Honors, Awards, and Convocations
- Student Relations
- Tenure

All campus faculty committees except the tenure committee have student representatives, whose nominations are made through the Associated Student Government.

The **Campus Council**, composed of faculty, staff, administrative, and student representatives, exercises general legislative powers under the Board of Trustees and subject to review by the Campus Faculty. All legislation initiated by the Campus Faculty, the Staff Senate, and the Student Senate is referred to the Campus Council for formulation and action. The Campus Council may advise Vice Chancellors, the Chancellor, and the Board of Trustees through the President on any matters of concern to the Council. The Campus Council utilizes standing committees of the Campus Faculty, and constitutes ad hoc committees as necessary for items not under the purview of a standing committee. Such committees include student members except where clearly inappropriate.

Administrative committees are appointed by and report to the Chancellor or vice chancellors, as appropriate, and have three principal functions: to recommend policy, to recommend operating procedures and practices, and to recommend adjudications of conflicts or competing needs. The committees may have faculty, non-academic staff, and student members. Student members are recommended by the Vice Chancellor for Student Affairs from nominees submitted by the Associated Student Government. Students are appointed for a one-year term, and may succeed themselves. Administrative Councils and Committees include the following:

- Academic Development Office Review Committee
- Arkansas Union Governing Board
- Bio-safety Committee
- Calendar Committee
- Campus Building Facilities Committee
- Campus Landscape and Grounds Committee
- Campus Radio Station Board
- Catastrophic Leave Committee
- Computing Activities Council
- Emergency Preparedness Council

English as a Second Language
 Fringe Benefits Committee
 Greek Academic Standards Board
 Health and Occupational Safety Council
 HPER Building Advisory Committee
 Human Relations Committee
 Institutional Animal Care and Use Committee
 Institutional Review Board
 International Programs and Services Committee
 Patent and Copyright Committee
 Public Safety Council
 Publications Committee
 Radiation Safety Committee
 Registration & Class Scheduling Systems Coordinating Committee
 Research Council
 Residence Life and Dining Services Review Board
 ROTC. Programs Committee
 SAFARI Committee
 Student Fee Review Board
 Student Publications Board
 Teaching and Faculty Support Center Advisory Committee
 Toxic Substances Committee
 Traffic Appeals Court
 Transit, Parking, and Traffic Committee
 University Health Service Advisory Committee
 University Honors Council

The duties and functions of the Campus Faculty Committees as well as Administrative Committees are in the Faculty Handbook, which may be found online at <http://pigtrail.uark.edu/pubs/FacultyHandbook/>.

The **Associated Student Government (ASG)** provides important services to the University community and is an integral part of governance on the campus. ASG has four executive officers selected in campus-wide elections and approximately 100 senators elected on a residential basis. Operation of the Associated Student Government is guided by the ASG Constitution, the ASG Code, and the Rules Committee Regulations, all of which are published in the Code Book. Reference copies of the Code Book are available for examination by students or other interested parties on the ASG website. ASG addresses student concerns and involvement in the university community through responsible activism and specific initiatives. ASG Senate has responsibility for various legislative functions including funding recommendations, and initiates campus-wide legislation based on student concerns. Students who want to be involved in ASG activities may apply at the ASG office in ARKU A669 or call 575-5205. Other student organizations that represent living groups and are an integral part of student government are the Residents Interhall Congress (RIC), the Interfraternity Council (IFC), the Pan-Hellenic Council, and the National Pan-Hellenic Council (NPHC).

L. Affirmative Action

Under Executive Order 11246 as amended, all education institutions with federal contracts totaling \$50,000 or more and having 50 or more employees must have a written Affirmative Action Plan documenting good faith efforts to end discriminatory practices in employment. Copies of the University of Arkansas Affirmative Action Plan are available in the Office of Affirmative Action, ADMN 415. The University is also covered by several other pieces of federal legislation that prohibit discrimination. These include TITLE VI of the Civil Rights Act of 1964, which prohibits

discrimination against students or others on the grounds of race, color, or national origin in all institutions receiving federal monies by way of a grant, loan, or contract; TITLE VII of the Civil Rights Act of 1964 as amended, which prohibits discrimination in employment (including hiring, upgrading salaries, fringe benefits, and other conditions of employment) on the basis of race, color, religion, national origin, or sex in all institutions with 15 or more employees; the Equal Pay Act of 1963 as amended, which prohibits discrimination in salaries (including almost all fringe benefits) on the basis of sex for employees in all institutions; TITLE IX of the Education Amendments of 1972 (Higher Education Act), which covers many issues dealing directly with students (i.e., admission, financial aid, housing, etc.) and which provides that no person shall be discriminated against because of sex in any education program or activity that receives financial assistance; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against qualified people with disabilities in any program or activity receiving Federal financial assistance; and, Titles I and II of the Americans with Disabilities Act of 1990, which extends federal civil rights protection to people with disabilities in employment and public services and transportation. Any questions regarding these issues can be referred to the Director of the Office of Affirmative Action, ADMN 415, 501-575-2158.

M. Human Relations Committee

The committee, appointed by the Chancellor of the University, recommends and reviews policies, procedures, and activities concerning human relations, affirmative action, and desegregation programs, and is responsible for the identification of discriminatory practices within the University and for recommending programs that alleviate discrimination and improve relations among students, faculty, and staff. Membership consists of three faculty members; three students; three nonacademic staff members; and, ex officio, the director of Personnel Services, the chairperson of the Campus Faculty, the President of the Associated Student Government, the Director of Human Relations, and a representative from the Office of Admission. For further information, contact the Director of Human Relations, ADMN 415, 501-575-2158.

N. Off-Campus Travel of Students Who Are Representing the University.

Frequently, students travel off-campus to represent the University. Some trips are made in University vehicles, some via commercial transportation, and others in private cars. The University's concern is that there be adequate protection for the student, and that the University be protected from claims and liability that might arise from these occasions. To ensure such protection, the following will be observed as policy and regulations:

1. Official Representation

The University of Arkansas recognizes that a student travels as its official representative when, and only when, the following facts exist:

- a. An administrative official having authority to do so authorizes a student or students to be official University representatives for the purpose of attending an event related to accomplishment of university educational purposes.
- b. The University will benefit from the representation in a substantial manner.
- c. The student or students travel by University vehicle or travel according to transportation selected for them and approved by the person authorizing the travel.
- d. The student or students meet campus requirements for participating in co-curricular activities.
- e. Before leaving the campus, the student or students and accompanying faculty or staff member, if any, shall have registered according to the procedures outlined in these regulations. Students attending functions on their own initiative in the guise of being from the University of Arkansas, the institution deriving benefit only from the resulting publicity, are not official University representatives. Procedures for Establishing Students as Official

University Representatives Because of the possibility of claims and liability arising from student travel, it is necessary that strict procedures be established concerning the dispatching of enrolled students off campus for University purposes.

2. The following procedure, therefore, is established:

- a. Secure authority from appropriate administrator of college division.
- b. Register a reasonable time in advance of travel period. Copies of the completed form shall be forwarded to the office of the Dean of Students, to the administrative official authorizing the travel, and to the deans of the colleges in which the students are enrolled.
- c. The faculty sponsor shall properly inform student representatives of the responsibility of that status.

3. Travel Regulations

- a. Students may travel on public carriers, in University fleet vehicles, or by private vehicle if it is covered by an insurance policy currently in effect and purchased by the owner of the vehicle. The registration form shall designate type of transportation, and, if a private automobile, information as to the extent to which that vehicle is insured.
- b. In the event of accident, full disclosure should be made of name, address, registration number of vehicle, driver's license, and University status of individual involved, but liability should not be admitted because not all facts may be known at the moment. All vehicle laws in the state involved should be obeyed.
- c. Students shall file reports with their administrative office and the Business Manager's office concerning any accidents, collisions, personal injury, or property damage to themselves or to others on returning to the campus. In privately owned vehicles, the owner should notify his insurance company immediately.
- d. No student or students shall be allowed to operate University fleet vehicles on off-campus trips as defined here unless accompanied by a faculty or staff member.
- e. When a University car is to be used for off-campus travel, the person to whom possession is delivered shall first display to Physical Plant officials a driver's license for himself or herself and for any of the passengers whom he or she will allow to drive during the trip.

4. The above rules are inapplicable in the following cases:

- a. Students traveling under the aegis of the Department of Athletics as athletes. (However, the Department of Athletics shall file a schedule for each sport in advance with the Office of Student Affairs, which lists date, class periods to be missed, and squad members.)
- b. Riding in University-operated vehicles between portions of the campus located in the same city or its suburbs.
- c. Off-campus trips organized, conducted, or sponsored by a student organization in its own interest. Such trips are not made on behalf of the University of Arkansas as official travel, and the University will accept no responsibility for any liability arising therefrom.
- d. Dispatching of a student on an errand in a city where he or she is regularly enrolled. If the student is dispatched by a faculty or staff member who would derive benefit from the act, liability might be imputed to that faculty or staff member on the idea that the student was the agent of the teacher, and not of the University.

5. This statement of policy and procedure is applicable in, but not limited to, the following cases, for example:

- a. Travel by ROTC persons or groups, though not including summer camp travel while the student is not enrolled.
- b. Travel by agricultural judging teams.
- c. Travel by student performers representing fine arts (e.g. singers, debaters, etc.).

6. Sponsor

To guard the University against public criticism, all students or groups of students on off-campus trips will be accompanied by a sponsor who shall assume responsibilities concerning the safety of students, their conduct, and for the end result that the University be well represented. Such a responsible person may become liable, due to his own negligence, for any person or persons injured. In addition, his or her acts may be attributed to or may reflect on the University where acts occur as a result of something within his or her general authority. The sponsor is responsible, as a University employee, to maintain reasonable order.

7. Student Conduct

Students away from the campus as University representatives are subject to disciplinary action by the University for breaches of conduct. The accompanying sponsor is authorized to maintain good order and good representation during the trip. Upon returning to the campus, disciplinary action of a penalizing nature may be instituted against students for misconduct during the trip.

8. Makeup of Classes Missed while Representing the University

Students are sometimes away from the University during regularly scheduled classes to represent the University in a variety of activities-professional meetings, workshops, field trips, research activities, athletic events, debate competitions, judging events, fine arts events, etc. The University recognizes the value of these activities for personal development and as an educational opportunity. Instructors are encouraged to assist students in making up class work (including lectures, laboratories, tests, etc.) missed because of these activities whenever possible. However, the instructor has the final responsibility to determine if it is feasible to make up the work. The following procedures establish a framework for communication between the student and instructor on this question. For further information, see Attendance in the Academic Regulations section of this catalog.

9. Instructor's Responsibility

The instructor should determine the requirements for the course including tentative dates of tests, field trips, etc. together with a make-up policy and supporting rationale. This information should be communicated to the students at the first class meeting, if possible, but not later than the end of the drop-add period.

10. Student's Responsibility

Where possible, a student who anticipates a substantial amount of activity as a University representative during a particular semester should schedule courses and class times to minimize the conflict. The student should make the instructor aware of any planned absences as a University representative as soon as possible and request arrangements for make up of the work to be missed. The student and instructor should confer to attempt to resolve any differences that grow out of (1) and (2) under Official Representation. The chairperson or area coordinator may be brought into the discussion, particularly if there is a potential need for additional resources or increased support for the instructor. If the student questions the instructor's final decision the student has recourse through the student academic appeal structure.

VII APPENDICES

APPENDIX A

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.

APPENDIX B**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 for 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 innuendoes, 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 of this policy.

Academic Freedom

Works of art and literature, readings, and other written, auditory, or visual course materials that are used in an educational context, including classrooms, academic offices, and all other learning environments, or that 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.

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 complaint officer) who is designated by, and who reports to, the Chancellor. They may discuss with the complaint 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.

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.

Investigation of Complaints

The complaint officer must investigate every allegation of sexual harassment, including informal and 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. The investigation must be initiated within five working days after the complaint is made.

Upon receiving a complaint, the complaint officer will interview the complainant (and the alleged victim 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 complaint officer will explain the university's obligation to investigate and take appropriate corrective action. The complaint officer will present options for resolution of the complaint, including actions that the aggrieved person can take, methods of informal resolution, the appropriate formal University of Arkansas grievance procedure, and legal remedies. The complaint officer will offer information about the availability of counseling and other assistance appropriate to the situation.

The complaint 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, and whether the complaint is informal or formal. The alleged harasser may make an initial, informal response to the allegations.

If the issue is not resolved at that point, the complaint officer will proceed with an informal complaint resolution process or, if appropriate, will refer the complainant to a formal grievance procedure.

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

Resolution and Grievance Procedures

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

Direct, Informal Action

After the complaint officer has discussed the complaint with the complainant and informed the person accused that a complaint has been made, the complainant may choose to attempt to resolve the matter by confronting the accused harasser directly. The complaint officer can suggest methods and models; for example, writing a letter describing the offensive behavior, its effects on the complainant, and her or his request that the behavior cease.

Informal Resolution Process

If the complainant wishes to attempt to resolve the problem informally, the complaint 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. Both parties must be informed of their rights to due process. The complaint officer may take statements from either party and from any witnesses that either party identifies, but the main focus will be on resolution and conciliation. Deans, directors, and department heads or chairpersons will be involved, as appropriate, in the informal resolution process.

Formal Grievance 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 grievance procedure, the complaint officer will help identify the appropriate procedure and explain how to use it. The matter will then follow the steps outlined in the Staff Handbook, the Faculty Handbook, or the Catalog of Studies for that specific grievance procedure.

The complaint officer's records concerning the matter may be made available during the formal grievance procedure, as appropriate.

Both parties will be informed in writing of the results of the resolution and grievance procedures and reminded of the university's policy.

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

Disclosure

Every possible effort will be made to ensure the confidentiality of information received as part of the university's resolution and grievance procedures. All parties to the complaint will be asked to assist in keeping the complaint confidential. However, the university's obligation to stop sexual harassment means that it cannot fail to take appropriate action and that confidentiality cannot always be guaranteed.

In the interests of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and grievance procedures, except as compelled by law, will be limited to the immediate parties and other appropriate administrative officials.

Disciplinary Action

Disciplinary action up to and including dismissal will 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 nature and seriousness of the offense will determine the specific disciplinary action. In all cases where disciplinary action is recommended, procedures in the Staff Handbook, the Faculty Handbook, or the Catalog of Studies 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 complaint officer will report the findings to the appropriate Vice Chancellor, who is responsible for initiating disciplinary action. If a formal grievance procedure has been used, the administrator or panel that has heard and made a decision about the grievance may make a recommendation for disciplinary action. Recommendations for disciplinary action may be appealed using the appropriate University of Arkansas grievance procedure.

At the direction of the Vice Chancellor and following applicable University rules, the Dean of Students, the academic dean, the director, or the department head or chairperson will implement disciplinary action against the student, faculty member, or staff member. The disciplinary action shall be implemented within thirty days of the notification of the Vice Chancellor. The complaint officer will monitor the implementation of the disciplinary process and its timeliness.

Record Keeping

Records will be kept in employee personnel files only if a complaint of sexual harassment is substantiated and disciplinary action is taken. All other records will be kept only for statistical purposes and to document that the University has responded to complaints. The Arkansas Freedom of Information Act compels disclosure of employee records only if they form the basis for decisions to suspend or terminate an employee and if there is a compelling public interest in their disclosure. Student records are protected from disclosure under the Family Education and Privacy Rights Act.

Records maintained by the complaint officer to document that the university has responded to all complaints will include information concerning the receipt of the complaint, the notification of the alleged harasser and 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 sealed, subject only to legally ordered disclosure. Whether the complaint is substantiated or not, the records will document that all parties have been reminded in writing of the university's policy prohibiting sexual harassment.

Statistical Review

The complaint officer will report periodically to the Chancellor the statistical data compiled from investigation records and all disciplinary action taken by the university.

Adopted by the Campus Council, February 17, 1994

Amended, March 17, 1994

Appendix A to the Sexual Harassment Policy

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

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.

NOTE: Some of the forms of harassment described above may constitute criminal behavior.

***Appendix B to the Sexual Harassment Policy
Recommendations for Education and Publicity
Concerning the Policy***

Because new students and employees continually join the university community, it is important that education about sexual harassment and publicity about the university's policy be presented frequently and that attempts be made to reach all members of the community. Information should be presented at new student and new employee orientation sessions, and new administrators, supervisors, and managers should be reminded about their additional obligation to help keep the university free of sexual harassment. In addition, programs about sexual harassment, campus awareness events and activities, training sessions, and other educational activities should be provided regularly. Student, faculty, and staff handbooks, catalogs, and other publications that include university policies and procedures should contain the sexual harassment policy. Brochures, flyers, newspaper articles, posters, and other methods of publicizing the policy should be used as well.

APPENDIX C

Sexual Assault Policy

The University of Arkansas has zero-tolerance for sexual assault and sex offenses committed against students, employees, visitors to the campus, and other persons who use University facilities. The University of Arkansas is committed to the prevention of sexual assault.

Sexual assault

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 a crime, defined by the Arkansas criminal code.

The University of Arkansas publishes an annual report of campus crimes, including sexual assault, as is required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This landmark federal law, originally known as the Campus Security Act, requires colleges and universities across the United States to disclose information about crime on and around their campuses.

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.

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. It 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 (ie. bedsheets, 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, 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 Judicial System

When appropriate, the University of Arkansas Police Department or any member of the University community may refer allegations of sexual assault to the University judicial system. The judicial system provides a just and equitable process for dealing with alleged infractions by students of University rules, regulations, or laws. The system is informal and non-adversarial, and is intended to educate students, to help them make responsible decisions, and to be accountable for their actions. Both the accuser and the person accused shall be informed in writing of the outcome of any campus judicial proceeding or grievance procedure in which sexual assault is alleged.

In some instances, it may be appropriate for faculty and staff members to use the University's formal grievance procedures to address grievances related to allegations of sexual assault. The faculty grievance procedure is described in the University of Arkansas Faculty Handbook. The staff grievance procedure is described in the Staff Handbook.

Disciplinary Action

Students and employees who are convicted of sexual assault may also be subject to University disciplinary action. According to the circumstances of the case, possible sanctions may range from a formal reprimand to dismissal from the University.

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. Staff 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.

Adopted by the Campus Council, September 23, 1993

APPENDIX D
Stalking

Stalking, is defined as repeatedly contacting another person when:

1. The contacting person knows or should know that the contact is unwanted by another person.
2. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or has reason to know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life. As used in this subsection, contacting includes but is not limited to communicating with or remaining in the physical presence of the other person.

APPENDIX E
Disorderly Conduct

Arkansas State Statutes (annotated) Regarding Disorderly Conduct:

§ 5-71-207. DISORDERLY CONDUCT.

- (a) A person commits the offense of disorderly conduct if, with the purpose to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, he/she:
- (1) Engages in fighting or in violent, threatening, or tumultuous behavior; or
 - (2) Makes unreasonable or excessive noise; or
 - (3) In a public place, uses abusive or obscene language, or makes an obscene gesture, in a manner likely to provoke a violent or disorderly response; or
 - (4) Disrupts or disturbs any lawful assembly or meeting of persons; or
 - (5) Obstructs vehicular or pedestrian traffic; or
 - (6) Congregates with two (2) other persons in a public place and refuses to comply with a lawful order to disperse of a law enforcement officer or other person engaged in enforcing or executing the law; or
 - (7) Creates a hazardous or physically offensive condition; or
 - (8) In a public place, mars, defiles, desecrates, or otherwise damages a patriotic or religious symbol that is an object of respect by the public or a substantial segment thereof; or
 - (9) In a public place, exposes his/her private parts.

§ 5-71-208. HARASSMENT.

Arkansas State Statutes (annotated) Regarding Harrassment:

- (a) A person commits the offense of harassment if, with purpose to harass, annoy, or alarm another person, without good cause, he/she:
- (1) Strikes, shoves, kicks, or otherwise touches a person, subjects him to offensive physical contact or attempts or threatens to do so; or
 - (2) In a public place, directs obscene language or makes an obscene gesture to or at another person in a manner likely to provoke a violent or disorderly response; or
 - (3) Follows a person in or about a public place; or
 - (4) In a public place repeatedly insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response; or
 - (5) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose; or
 - (6) Places the person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the person, or residence, other than the residence of the defendant, for no purpose other than to harass, alarm, or annoy.

APPENDIX F
Firearms and Other Weapons

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 G
Arkansas State Statutes Regarding Alcohol

§ 5-2-207. INTOXICATION.

(a) Intoxication that is not self-induced is an affirmative defense to a prosecution if at the time a person engages in the conduct charged to constitute the offense he lacks capacity to conform his conduct to the requirements of the law or to appreciate the criminality of his conduct.

(b) For the purposes of this section:

(1) "Intoxication" means a disturbance of mental or physical capacities resulting from the introduction of alcohol, drugs, or other substances into the body;

(2) "Self-induced intoxication" means intoxication caused by a substance which the actor knowingly introduces into his body, the tendency of which to cause intoxication he knows or ought to know.

(c) Public intoxication-Drinking in public

(1) A person commits the offense of public intoxication if he/she appears in a public place manifestly under the influence of alcohol or controlled substance to the degree and under the circumstances such that he/she is likely to endanger himself or other person or property, or that he unreasonably annoys person in his/her vicinity.

(1) Public intoxication is a Class C misdemeanor

(2) A person commits the offense of drinking in public if that person consumes any alcoholic beverages in any public place, on any highway, or street, or upon any passenger coach, streetcar, or in or upon any vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, or other public place other than a place of business licensed to see alcoholic beverages for consumption on the premises

(2) Drinking in public is a Class C misdemeanor.

(d)

§ 5-65-103. UNLAWFUL ACTS.

(a) It is unlawful and punishable as provided in this act for any person who is intoxicated to operate or be in actual physical control of a motor vehicle.

(b) It is unlawful and punishable as provided in this act for any person to operate or be in actual physical control of a motor vehicle if at that time there was one-tenth of one percent (0.10%) or more by weight of alcohol in the person's blood as determined by a chemical test of the person's blood, urine, breath, or other bodily substance.

§ 5-71-212. PUBLIC INTOXICATION – DRINKING IN PUBLIC.

(a) A person commits the offense of public intoxication if he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree and under circumstances such that he is likely to endanger himself or other persons or property, or that he unreasonably annoys persons in his vicinity.

APPENDIX H

University Policies on Alcohol and Other Drugs

Philosophy

The University of Arkansas recognizes its responsibility to provide a healthy environment within which students may learn and prepare themselves as socially skilled, fully functioning and productive individuals. Campus substance abuse threatens this university's mission as an institution of higher education and interferes with individual learning. The University strives to establish a campus environment that makes the abuse of alcohol and the use of illegal, non-prescribed or harmful drugs undesirable choices. The University of Arkansas considers illicit drug use as wrong, harmful, and illegal. The University of Arkansas Alcohol and other Drug Policies are consistent with the educational and non-punitive philosophy that governs the Student Judicial System. The system emphasizes personal responsibility and is intended to facilitate individual student growth and development. The University, however, recognizes the seriousness of the substance abuse problem that can threaten the fabric of the university community. Therefore, the judicial system will administer sanctions appropriate to the severity of the problem and may include separation from the University.

The circumstances accompanying each individual case are considered when determining the consequences for an alcohol or other drug policy violation. Educational interventions are emphasized; however, when indicated, students may be required to engage in counseling or other therapeutic activities.

The Student Assistance Program (SAP) at the University Health Center is designed to help students prevent harmful involvement with alcohol and other drugs. Education and assessment services are offered to assist individuals in defining their level of involvement and to present them with alternatives. When treatment for a substance abuse problem is indicated, a range of counseling services is available at CAPS (Counseling and Psychological Services).

Students may be referred to the SAP by the Judicial Board for a residence hall or fraternity/sorority for violation of University policy. Referrals are also accepted on a voluntary basis and from peers, faculty, and staff who are concerned about a student's drinking and/or other drug-related behavior. SAP phone number: 575-6376. CAPS phone number: 575-2277.

University officials will do everything they can to assist a student in obtaining appropriate care for an alcohol and/or other drug abuse concern. The fact that a student voluntarily seeks assistance will be taken into consideration as part of any judicial proceedings.

Alcohol Policy

University of Arkansas Board Policy No. 860.1, February 22, 1974.

Possession and use of intoxicants in public areas of University facilities (including organized houses) and at official University functions held on campus is prohibited. Persons of legal age as prescribed by state law regarding alcoholic beverages may possess and consume these beverages in the privacy of assigned student rooms. Irresponsible behavior while under the influence of intoxicants is not condoned and may be subject to review and/or action by the appropriate judicial body.

Clarification to Alcohol Policy

To help reduce the incidence and prevalence of alcohol use that may adversely affect the quality of an individual's experiences at the University of Arkansas, abstinence is expected. No alcohol may be brought to any on-campus social event. All open containers must be emptied and/or disposed of prior to entering the public area of the facility. Kegs and other similar containers used for alcoholic beverages, including but not limited to party balls, trash cans, bathtubs, etc., are not permitted anywhere on campus.

Students of legal age who choose to drink, either on or off campus, are expected to handle alcohol in a low risk manner and behave responsibly. Violations of state law, city ordinance or University regulations may be considered grounds for legal and/or disciplinary action. The use of alcohol will not, under any circumstance, be accepted as an excuse for irresponsible behavior. Any effort to induce or force a student to drink against his/her expressed desire will be treated as a serious offense. Furthermore, no person may provide any alcoholic beverages to any person less than 21 years of age.

Alcohol Policy Violation - Progressive Intervention

Students are responsible for their alcohol related behavior and should be aware of the natural and logical consequences associated with these behaviors. As students continue to engage in alcohol use/abuse behaviors that violate policy, the level of intervention will be increase accordingly. The course of progressive intervention begins with the initial policy violation and will continue to be administered throughout the time that a student is enrolled at the University.

Drug Use Policy

Possession, use, or manufacture of illicit drugs is strictly prohibited at the University of Arkansas. Students enrolled in the University of Arkansas are subject to disciplinary action for violation of federal or state law regarding the possession, purchase, manufacture, use, sale or distribution (by either sale or gift) of any quantity of a prescription drug or controlled substance ,or for being under the influence of any prescription drug or controlled substance, except for the use of any over-the counter medication or for the prescribed use of medication in accordance with the instructions of a licensed physician. Possession of paraphernalia associated with the use, possession or manufacture of a prescription drug or controlled substance is also prohibited.

NOTE: Controlled substances include but are not limited to: marijuana, cocaine, crack, heroin, amphetamines, barbiturates, LSD, PCP , and designer drugs such as ecstasy and ice.

Drug Policy Violations - Progressive Interventions

Progressive interventions will be administered throughout the time that a student is enrolled at the University.

First Infraction (Possession and/or Use)

Students who are found responsible for unauthorized possession and or use of a prescription drug or controlled substance will be considered for disciplinary probation. First offenders will also be required to participate in a drug abuse education and/or treatment program.

Second Infraction (Possession and/or Use)

Students found responsible for these actions will be considered for separation from the University

First Infraction (Manufacture and/or sale of any prescription drug or controlled substance)

Students found responsible for these actions will be considered for separation from the University.

APPENDIX I

Arkansas State Statutes Regarding Controlled Substances (printed in part) –

A. Except as authorized by subchapters 1-6 of this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

§ 5-64-401. POSSESSION OF A CONTROLLED SUBSTANCE.

(c) It is unlawful for any person to possess a controlled substance or counterfeit substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter.

§ 5-64-403. DRUG PARAPHERNALIA – CRIMINAL PENALTIES.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of subchapters 1-6 of this chapter.

APPENDIX J
Arkansas State Statutes Regarding Fires

§ 5-38-301. ARSON.

(a) A person commits arson if he starts a fire or causes an explosion with the purpose of destroying or otherwise damaging:

- (1) An occupiable structure or motor vehicle that is the property of another person; or
- (3) Any property, whether his own or that of another person, if the act thereby negligently creates a risk of death or serious physical injury to any person; or
- (4) A vital public facility;

§ 5-38-302. RECKLESS BURNING.

(a) A person commits the offense of reckless burning if he purposely starts a fire or causes an explosion, whether on his own property or that of another, and thereby recklessly:

- (1) Creates a substantial risk of death or serious physical injury to any person; or
 - (2) Destroys or causes substantial damage to an occupiable structure of another person; or
 - (3) Destroys or causes substantial damage to a vital public facility.
- (b) Reckless burning is a Class D felony.

APPENDIX K**Hazing**

Hazing is defined as any activity causing mental or physical stress and/or embarrassment that is required of an individual joining or belonging to any organization, acts that are degrading or injurious or that hold another against his or her will, and the physical abuse of another person. Arkansas Act 75 of 1983, An Act to prohibit hazing in any school, college, university or other educational institution in Arkansas will be enforced both on and off campus and by all University organizations.

Arkansas State Statutes Regarding Hazing:**Arkansas Act 75 of 1983 states:**

SECTION 1. No student of any school, college, university, or other educational institution in Arkansas shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other student in the commission of this offense.

SECTION 2. Hazing is defined as follows:

- (1) Any willful act on or off any school, college, university, or other educational institution in Arkansas by one student alone or acting with others, directed against any other student done for the purpose of intimidating the student attacked by threatening such student with social or other ostracism, or of submitting such student to ignominy, shame, or disgrace among his fellow students, and acts calculated to produce such results; or
- (2) The playing of abusive or truculent tricks on or off any school, college, university, or other educational institution in Arkansas by one student alone or acting with others, upon a student to frighten or scare him; or
- (3) Any willful act on or off any school, college, university, or other educational institution in Arkansas by one student alone or acting with others, in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.
- (4) The term "hazing" as defined in this Section does not include customary athletic events or similar contests or competition, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

SECTION 3. No person shall knowingly permit, encourage, aid, or assist any person in committing the offenses of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this State to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas. Any act of omission or commission shall be deemed hazing under the provisions of this Section.

SECTION 4. The offense of hazing is a Class B misdemeanor. A Class B misdemeanor is punishable by up to ninety (90) days in jail and may include a fine of up to \$500.00.

SECTION 5. Upon conviction of any student of the offense of hazing, he shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he is attending.

SECTION 6. Nothing in this Act shall be construed as in any manner affecting or repealing any law of this State respecting any other criminal offense.

Arkansas State Statutes Regarding Coercion:**§ 5-13-208. COERCION.**

(a) A person commits coercion if he compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in conduct in which he has a legal right to engage, by purposeful conduct designed to instill in the other person a fear that, if a demand is not complied with, the actor or another person will:

- (1) Cause physical injury to anyone;
- (2) Cause damage to property;
- (3) Subject anyone to physical confinement;
- (4) Accuse anyone of an offense or cause criminal proceedings to be instituted against anyone;

or

(5) Expose a secret or publicize an asserted fact, whether true or false, tending to subject anyone to hatred, contempt, or ridicule.

- (b) Coercion is a Class A misdemeanor.

Arkansas State Statutes Regarding Harassing Communications:**§ 5-71-209. HARASSING COMMUNICATIONS.**

(a) A person commits the offense of harassing communications if, with the purpose to harass, annoy, or alarm another person, he:

(1) 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; or

(2) Makes a telephone call or causes a telephone to ring repeatedly, with no purpose of legitimate communication, regardless of whether a conversation ensues; or

(3) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section.

(b) Offenses involving use of telephones may be prosecuted in the county in which the defendant was located when he used a telephone, or in the county in which the telephone made to ring by the defendant was located.

(c) Harassing communications is a Class A misdemeanor.

(d)(1) A judicial officer, upon the pretrial release of the defendant, shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(2) This no contact order shall remain in effect during the pending appeal of a conviction under this section.

(3) The judicial officer or prosecuting attorney shall provide a copy of this no contact order to the victim and arresting agency without unnecessary delay.

(e) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the cause, the judicial officer shall enter such orders as are consistent with § 5-2-305.

APPENDIX L
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 M
Code of Computing Practices

Individuals who are granted computing accounts to use computing resources at the University of Arkansas are granted such access as a privilege. Each user is expected to use accounts/resources responsibly within the University approved educational, research, and/or administrative purposes for which they were granted. Activities beyond these stated purposes are strictly prohibited. Disciplinary action will be taken whenever any user is found to be in violation of the code. 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://www.uark.edu/campus/compserv/npp/policies/code.html> on the World Wide Web.

APPENDIX N
Prohibition of Pets

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 O
The Law

Students are expected to be familiar with and observe all provisions of federal, state, and local laws.

Violators of public law may be referred to civil authorities for appropriate action and may be subject to disciplinary action through the University judicial system. In general, students who violate federal, state, or local laws while off-campus will not be subject to University jurisdiction unless the clear and distinct interest of the University is involved or affected. Ordinarily, when such violations occur, the University will not intervene and students will be answerable to civil authorities only. A decision in which the University's interest is involved or affected by a violation of law will be based upon the relevance of one or more of the following elements:

1. The academic integrity of the University is violated
 2. The maintenance of the University's program of higher education is jeopardized
 3. The safety and welfare of persons and/or property in the University community are threatened (e.g. 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.

This general policy does not in any way limit the application of more specific provisions pertaining to student conduct.

