

## STUDENT CONDUCT

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### Mission

It is the mission of the Office of Student Conduct at Arkansas State University Jonesboro (OSC) to facilitate a positive and safe environment for student learning. The OSC strives to help achieve a community in which individuals learn the value of demonstrating respect for others, themselves and the University. Additionally, it is our purpose to be a catalyst for the development of the whole student by the education of and enforcement of the regulations set forth in the Standards of Student Conduct.

### General Information

All non-academic violations of the Standards of Student Conduct are processed through the Office of Student Conduct. The Office of Student Conduct advises the Student Conduct Board made of students who assist their peers through and facilitate the conduct process. The OSC Staff members are also available for programming needs in reference to the Standards of Student Conduct and appropriate behavior.

## STANDARDS OF STUDENT CONDUCT

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

The following principles are part of the collective expectation of the members of this community relative to personal conduct.

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

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

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

**Respect** — Every member of this community should seek to gain and demonstrate respect. Members should hold one another in high regard. Each individual should conduct

himself or herself in a manner worthy of that regard, which is gained by decent and correct behavior.

The learning community at Arkansas State University does not intend to be prescriptive regarding the personal beliefs and value systems of its members. However, this community does believe that it has a right to expect its members to demonstrate personal responsibility and integrity in word and deed. When the conduct of any member falls outside the bounds of civil, moral and ethical behavior, that member can expect the community of Arkansas State University to call such conduct into question. The university reserves the right to discipline students or student organizations for inappropriate actions that occur on or off the campus to secure compliance with these higher obligations. Students failing to maintain these higher obligations may be asked to leave the academic community. Students are expected to comply with all university policies and procedures. This includes the Standards of Student Conduct and University Housing Regulations.

#### **University Jurisdiction**

The university has jurisdiction over any student or student organization alleged to have violated the Standards of Student Conduct on campus or off campus. For the purpose of the student conduct process, a “student” is defined as any person who is admitted, enrolled or registered for study at Arkansas State University for any academic period. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in, Arkansas State University are considered “students”. A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of the academic year including, but not limited to, fraternity or sorority recruitment, orientation, placement testing, and residence hall check-in.

#### **Inherent Authority**

The university reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and its members.

#### **Interim Administrative Action**

The Vice Chancellor of Student Affairs, or his/her designee, may defer procedural due process and enforce an interim action if necessary to maintain safety or order; including but not limited to, removal from housing or conduct suspension. The Vice Chancellor for Academic Affairs, or her/his designee, may defer procedural due process and remove a student from a class to maintain order. Any student who has had interim action taken against him/her will be afforded a timely resolution for the case generally holding the hearing within 5 business days.

#### **Student Contact Information**

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

campus community. Campus e-mail is the primary means of communication from the Office of Student Conduct; appearance notifications, hearing notifications and decision notifications will be sent to the student's email address.

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

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

## **Policy Interpretation**

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

## **Standards of Student Conduct**

Standards of Student Conduct are divided into two categories: Non-Academic Misconduct and Academic Misconduct. The following list is not exclusive and serves only as examples of specific actions constituting Non-academic Misconduct. The Academic Misconduct list can be found in the Student Handbook under Academic Rights and Responsibilities.

## **Non-Academic Misconduct Standards of Student Conduct**

### **1. Accessory**

A student commits a violation of the Non-Academic Standards of Student Conduct if he or she aids another student in the commission of a violation of the Non-Academic Standards of Student Conduct or is present or fails to leave immediately a situation where a violation is occurring.

### **2. Alcohol**

- Sale, possession, manufacturing, distribution, consumption, or evidence of consumption of alcoholic beverages, on University Property or at University sponsored events, except as allowed by University policy.
- Use by, possession of or distribution to person(s) under twenty-one (21) years of age of any alcoholic beverage.
- Public intoxication or impairment that can be attributed to the use of alcohol.
- Activities or promotions that encourage excessive and/or rapid consumption of alcoholic beverages, including the use of common containers.
- The possession and/or use of drinking paraphernalia or products that promote the abuse of alcohol and/or put the user in a position to consume alcohol irresponsibly. This includes but is not limited to funnels, taps, and beer pong tables.

### **3. Bicycles, Skateboards, Skates**

Potentially dangerous or damaging use to self, property or others, of skateboards, bicycles, scooters, skates or other wheeled forms of transportation. The use of

skateboards is permitted only on sidewalks and parking lots unless otherwise posted. Bicycles must be parked in bike racks and other designated areas.

#### **4. Computer Misuse**

Misuse, abuse, and unauthorized use of computing resources, and/or use of computing resources for unauthorized purposes such as, but not limited to, destroying, modifying, accessing, or copying programs, records, or data belonging to the university or another user without permission. This includes peer to peer distribution of copyrighted materials and/or illegal downloading of copyrighted materials, which are also violations of Federal Law.

#### **5. Damage to Property**

Damaging or destroying university property or the property of others, or actions that have the potential for such damage or destruction. Conduct which threatens to damage, or creates hazardous conditions.

#### **6. Disruption of University Business**

Engaging in, leading or inciting others to materially and substantially disrupt or obstruct teaching, research, administration or other University functions, operations or activities including, but not limited to, the blocking of ingress or egress to the university's physical facilities, tampering with public utilities, or prevention of freedom of movement or expression by members of the University Community.

#### **7. Disruptive Conduct**

Disrupting the regular or normal functions of the Arkansas State University Community, including behavior which breaches the peace, limits the safety or violates the rights of others. Breaching the peace includes but is not limited to high volume speech that may or may not be offensive or inflammatory that can be heard in common areas of buildings such as hallways, lobbies or the cafeteria.

#### **8. Drugs**

- Use, manufacturing, distribution, sale or illegal possession of any quantity, whether usable or not, of any drug, narcotic or controlled substance without medical prescription under medical supervision.
- Impairment that can be attributed to the use of any drug, narcotic or controlled substance.
- Possession and/or use of drug paraphernalia which includes objects used, primarily intended for use or designed for use in ingesting, inhaling, or otherwise introducing any drug, narcotic or controlled substance into the human body including, but not limited to, pipes, water pipes, bongs, hookahs, roach clips and vials without medical prescription.
- Misuse or abuse of prescription drugs.
- Misuse or abuse of any chemical substance.

## **9. Endangering Conduct**

Physical abuse, verbal abuse, threats, intimidation, coercion and/or other conduct which threatens or endangers the health or safety of self or others.

## **10. Failure to Comply**

Failure to comply with directions, verbal or written, of university officials, or those appointed to act on behalf of the university in the performance of their duties.

## **11. False Accusations**

- Knowingly, intentionally, or recklessly making false accusations of inappropriate behavior against another individual.
- Providing false or falsified information with intent of harming another student.
- Attempting to intimidate witnesses necessary to conflict resolutions pending with the University
- Altering or destroying information necessary to conflict resolutions pending with the University.

## **12. False or Fraudulent Information**

- Furnishing false information to a University Official.
- Forgery, alteration, taking possession of or the unauthorized use of University documents, records, keys or identification without the consent or authorization of the appropriate University Official.

## **13. Fire/Emergency Threat**

- Starting a fire or creating a fire hazard, including false alarms by setting off the fire alarm system, making a bomb threat or creating a false emergency of any kind.
- Tampering with, misusing or damaging fire extinguishers, sprinkler heads, alarms or other safety equipment.

## **14. Gambling**

Gambling in residence halls or on or about university property without legal permit as an authorized state organization and approval from the Office of Student Conduct

## **15. Guest Responsibility**

- Failure to inform guests, both student and non-student, of university policies. Guests are any person not assigned to a specific building, suite or apartment if the incident occurs in University owned housing or any person not associated with the University community that reasonably appears to be with a student.
- Students are responsible for the conduct of their guests on or in university property and at functions sponsored by the university or any recognized university organization.

## **16. Harassment**

Actions, whether physical, oral, written, electronic, through a third party or otherwise communicated, that have the purpose of creating a hostile or intimidating environment and which are directed at a specific individual or group.

## **17. Hazing**

Any mental or physical requirement, request or obligation placed upon any person that could intentionally or unintentionally cause discomfort, pain, fright, disgrace, injury or which is personally degrading for the purpose of initiation into, admission into, affiliation with, or as a condition of continued membership in, a group or organization. A person's expressed or implied consent to hazing does not negate the above standards.

## **18. Recording Ethics**

Viewing, transmitting, recording, filming, photographing, producing or creating a digital electronic file of the image or voice of another person, including classroom settings, without his/her knowledge, or consent.

## **19. Lewd, Obscene or Indecent Behavior**

Any conduct that is offensive to accepted standards of decency, including attire that exposes undergarments or does not provide adequate coverage of the body.

## **20. Littering**

Littering, including the improper disposal of tobacco products and trash.

## **21. Non-recognized Organizations**

Non-recognized and/or unregistered student groups attempting to function on the campus or in the name of Arkansas State University. Acting as an organization or representing oneself as a member of an organization when that organization has been removed from campus.

## **22. Objects Dropped or Thrown**

Throwing objects or causing an object to fall from buildings or other elevated areas when such throwing or dropping creates a risk of personal injury or property damage.

## **23. Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors or other verbal and physical conduct of a sexual nature when at least one of the following conditions is met:

- Submission to such conduct is made either explicitly or implicitly as a condition of an individual's employment, membership or education;
- Submission to or rejection of such conduct by an individual is used as the basis for evaluation in making employment, membership or academic decisions affecting the individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive work, academic or living environment.

## **24. Sexual Misconduct**

Sexual conduct without consent or sexual conduct that occurs after consent has been withdrawn. To constitute sexual misconduct, the sexual conduct must meet one of the following criteria:

- the sexual conduct is not consensual;
- the sexual conduct includes force, threat(s) or intimidation;
- the sexual conduct occurs when the victim is mentally or physically impaired, such as when under the influence of alcohol or other drugs or when the victim is a minor.

## **25. Smoking**

Smoking of any kind is not permitted on University Property.

## **26. Solicitation Activities**

Solicitation not in accordance with federal, state or local law or without the permission as outlined in the Fundraising (Solicitation) Policy found in the Student Handbook.

## **27. Student I.D. Cards**

- Failure to carry a valid Arkansas State University I.D. card at all times when on university property or at university sponsored events, except when properly checked into a residence hall.
- Allowing others to use one's I.D. card for access to a building, cafeteria, or parking lot or for use at any establishment that accepts the I.D Card for payment.
- Transferring and or duplicating university I.D. cards.
- Failure to provide I.D. cards upon request to any individual acting on behalf of the university in the performance of his/her official duties.

## **28. Theft**

Theft of any kind including but not limited to; attempted theft, possession, sale or barter of, seizing or concealing property of another person without their permission.

## **29. Unauthorized Use**

- Unauthorized or illegal entry into a building, classroom, office, room, vehicle or residence hall.
- Unauthorized use or possession of University Property.
- Use or possession of any University Key without proper authorization including duplication of any University key.

## **30. Violation of Law**

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

## **31. Violations of Other University Regulations**

Violations of any university rule or regulations outside the Standards of Student Conduct.

## 32. Weapons

To the fullest extent allowed by law, the use, possession or storage of weapons. Weapons include, but are not limited to, firearms, explosive devices, hazardous chemicals (other than pocket-sized sprays used for personal protection), knives with blades longer than four inches, numb chucks, brass knuckles, tasers or other electrical stun devices, bows or cross bows, arrows, objects that propel projectiles, replicas of weapons (including water or toy guns), or any device or substance designed to or used to inflict a wound, cause injury, or incapacitate.

### Conduct Information and Procedures

1. Any individual may refer a student to the Office of Student Conduct for Non-Academic Misconduct charges. Conduct Referrals should be delivered to the Office of Student Conduct within ten (10) university business days after the student has been identified as the alleged violator, whenever possible. Conduct referrals in regards to Sexual Assault or Sexual Misconduct should be referred to the Office of Institutional Equity.
2. Upon the receipt of a Conduct Referral, the Assistant Dean of Student Conduct or designee will determine if sufficient information is present for charges to be filed against the alleged violator. If charges are filed, then the alleged violator will be delivered or e-mailed the charges and an initial meeting will be scheduled.
3. The Assistant Dean of Student Conduct or designee will determine the initial hearing officer depending upon the severity of the alleged infraction and where it occurred. The initial hearing officer may be one of the following: Assistant Dean of Student Conduct, Assistant Director of Residence Life, Office of Student Conduct Staff members, Area Coordinators, Graduate Residence Hall Directors, and Greek Council Hearing Bodies.
4. The Conduct process is part of the student educational process and as such the alleged violator is exclusively responsible for all communication during the Conduct Process. The alleged violator may have an advisor present at all meetings and hearings through the Conduct Process but that advisor may not speak for the alleged violator.

### Sexual Assault and Misconduct Information and Procedures

1. Any allegations of sexual assault and/or sexual misconduct must be initially reported to the Office of Institutional Equity. The Office of Affirmative Action will coordinate the investigation of all allegations of sexual harassment and/or sexual misconduct.
2. The Office of Affirmative Action will refer cases of alleged sexual harassment and/or sexual misconduct to the Office of Student Conduct for investigation as appropriate. Cases of sexual harassment and/or sexual misconduct will follow the process set forth in the ASUJ Non-Discrimination/Sexual Misconduct Policy which can be found <http://www.astate.edu/a/affirmative-action>.

### Procedures for Resolving Non-Academic Conduct Charges for Violations of the Standards of Student Conduct