

# Section 4: Standards of Conduct

## Behavioral Expectations

Henderson State University considers the behavior described in the following subsections as inappropriate and in opposition to our core values. Any student found to have engaged in or to have attempted to engage in the following misconduct is subject to referral to the conduct process as outlined in the *Student Community Standards*.

While the following list of possible actions of misconduct may result in conduct sanctions up to and including separation from Henderson State University, there are three that have been identified to be in most direct conflict to the core values of the University. Violations of these policies may result in suspension for a specific period of time up to expulsion.

**Drugs:** Manufacture, sale, or distribution of unlawful drugs including marijuana and synthetics; unlawful sale or distribution of otherwise legal drugs (i.e. prescription medication) or other illegal drugs, controlled substances or drug paraphernalia (See *Drug Free Schools, Workplace, and Community Policy*. This policy is available as a paper copy upon request).

**Sexual Assault:** The University prohibits any form of sex-based or gender-based misconduct as defined in the University's *Policy Prohibiting Sex- and Gender-Based Discrimination, Harassment, Misconduct and Retaliation*, including, but not limited to sexual assault, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, domestic violence, dating violence and sexual exploitation.

**Weapons:** The university prohibits the possession, carrying, storage or use of any handgun, firearm, or weapon of any type (a) on the university campus, (b) in any building owned or controlled by the university, (c) at any university event, (d) during travel on university business, or (e) in any vehicle that is owned, leased or rented by the university. These provisions shall not apply to any certified law enforcement officer employed by the university police department, any other certified law enforcement officer, or any other possession authorized by law, including the carrying of a concealed handgun pursuant to Arkansas Act 562. Individuals, including individuals who are licensed to carry concealed handguns on a public university campus pursuant to Arkansas Act 562, must comply with all relevant federal, state, and local laws and regulations while on the university campus.

Violations of the *Student Community Standards* include, but are not limited to:

*Abuse of Conduct Process.* Abuse or interference with, or failure to comply in, Henderson processes including conduct and academic integrity hearings including, but not limited to:

- Falsification, distortion, or misrepresentation of information;
- Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- Failure to comply with the sanction(s) imposed by the campus conduct system;

- Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

*Alcohol.* Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the *Drug Free Schools and Communities Policy*;

*Animals.* The university acknowledges that pets are important to many individuals. However, the presence of animals can pose health, sanitation and safety challenges that detract from the university's academic mission. As a result, the general rule is that animals, including pets, are prohibited from the indoor spaces of the university, at university events, and in university-owned or university-rented vehicles. Exceptions are stated below:

- Service animals: A service animal is an animal that is trained to work or perform tasks for the benefit of an individual with a disability, as defined by the university's *Policy on Assistance Animals*. As a general rule, the only animals allowed to accompany individuals in the university's indoor spaces (e.g. classrooms, library, and cafeteria), at university events and in university vehicles are service animals. Service animals may also be present in the outdoor spaces of the university, as needed to serve the individual with the disability.
- Approved emotional support and therapy animals in on-campus housing: Approved emotional support and therapy animals, as defined by the university's *Policy on Assistance Animals*, may be present in their owners' assigned residence hall rooms or apartments. As a general rule, emotional support animals or therapy animals are not allowed in the university's other indoor spaces (e.g. classrooms, library, and cafeteria), at university events, and in university-owned or university-rented vehicles.
- Animals present for instructional or academic purposes: Animals that are required for instructional or academic purposes that have been approved by the university's Institutional Animal Care and Use Committee (IACUC). These animals may only be present in locations approved by the IACUC.

Notwithstanding the exceptions above, the university may prohibit the presence of animals, including service animals from certain locations on campus due to health and safety restrictions. Individuals must comply with signage indicating that animals are prohibited and must also comply with the directions of university officials. Individuals may bring animals that are not service animals to the outside spaces of the university for short periods of time (e.g. dog walking) as long as: the individual removes all animal waste from campus immediately; the individual provides constant supervision of the animal; the individual retains control of the animal at all times; the animal is properly licensed and tagged as required by law and local ordinance; the presence of the animal does not disrupt the educational process or university operations; the animal is restrained by a leash, a harness or is within a carrier at all times; and the individual is accompanied by one animal at a time. The university may remove or cause to be removed any animal that is a nuisance or poses a threat to students, employees, visitors or university operations or property. The university may also restrict a specific animal from university property based on any confirmed threatening or territorial behavior or if the individual bringing the animal to campus fails to comply with the requirements of this policy or other university policies.

*Arrest.* Failure of any student to accurately report their off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Director of Community Standards within 48 hours after the arrest.

*Damage and Destruction.* Intentional, reckless and/or unauthorized damage to or destruction of Henderson State University property or the personal property of another.

*Discrimination.* Conduct that is based upon an individual's race, color, ethnicity, religion, sexual orientation, gender identity, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, physical disability or mental disability that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects education, living environment, participation in a university program or activity, or a term or condition of an individual's employment.

*Drugs.* Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the *Drug Free Schools and Communities Policy*;

*Election Tampering.* Tampering with an election conducted by any Henderson State University recognized student organization;

*Failure to Comply.* Failure to comply with the reasonable directives of Henderson State University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

*Falsification.* Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;

*Fire Safety.* Violation of local, state, federal, or campus fire policies including, but not limited to:

- Intentionally or recklessly causing a fire which damages Henderson or personal property or which causes injury.
- Failure to evacuate a Henderson-controlled building during a fire alarm;
- Improper use of Henderson fire safety equipment; or
- Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on Henderson property. Such action may result in a local fine in addition to Henderson sanctions;
- Possession, use, storage, or manufacture of firebombs or other incendiary or destructive devices, including fireworks.

*Gambling.* Gambling as prohibited by the laws of the State of Arkansas. (Gambling may include raffles, lotteries, sports pools and online betting activities.)

*Harm to Persons.* Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

*Harassment.* Detrimental action based on an individual's race, color, ethnicity, religion, sexual orientation, gender identity, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, physical disability or mental disability. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Gender-based harassment includes sexual harassment.

- *Hostile Environment.* A hostile environment exists when there is harassing conduct based on race, color, ethnicity, religion, sexual orientation, gender identity, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, physical disability or mental disability that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive to deny or limit a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. Harassment that creates a hostile environment ("hostile environment harassment") violates this policy.
- *Retaliation.* Any intentional, adverse action taken by a responding individual or by an allied third party, absent legitimate nondiscriminatory purposes, against (1) any person who seeks enforcement of the *Student Community Standards* or other university policy, (2) any person who participates in a university investigation, proceeding, or action enforcing the *Student Community Standards* or other university policy, or (3) any person who actively supports a complainant during an investigation, proceeding, or action enforcing the *Student Community Standards* or other university policy.
- *Complicity.* Association in known or obvious violations of the *Student Community Standards* or law. Students who anticipate or observe a violation of the *Student Community Standards* or law are expected to remove themselves from the situation.

*Hazing.* Under Arkansas state law a student commits the criminal offense of "hazing" when acting alone or with others, on behalf of or in the name of a fraternal organization, on or off university property and in connection with initiation into or affiliation with the organization:

- commits a willful act against any other student for the purpose of intimidation by threatening him or her with social or other ostracism or submitting him or her to ignominy, shame, or disgrace among his or her fellow students; or
- plays abusive or truculent tricks to frighten or scare the other student; or
- acts with the purpose to humble the pride, stifle the ambition, impair the courage, discourage him or her from remaining at the university or reasonably cause him or her to leave the university rather than submit to the acts; or
- strikes, beats, bruises, or maims; or seriously offering, threatening, or attempting to strike, beat, bruise, or main; or to do or seriously offer, threaten, or attempts to do physical violence to any student; or
- Any assault upon a student made for the purpose of committing any of the acts, or producing any of the results.

Pursuant to Arkansas Code Annotated 6-5-201 et. seq. hazing is a criminal offense that is classified as a Class B misdemeanor. The law requires that a student convicted of hazing in a criminal court shall be expelled from the university that he or she is attending.

*Health and Safety.* Creation of health and/or safety hazards (e.g., dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs).

*Information Technology and Acceptable Use.* Henderson State University uses computer systems for administrative functions and educational purposes. Students are prohibited from acquiring or attempting to acquire unauthorized access to administrative or student data. Individuals who are granted computing accounts and who use computing resources such as e-mail at the University accept the responsibilities that accompany such access. Each user is expected to use University accounts and resources for educational, research, or administrative purposes.

*Misappropriation.* Unauthorized use (including misuse) of organizational names and images.

*Other Policies.* Violating other published University policies or rules (e.g. all Residence Hall policies; *Policy on Speech and Expression*; *Facilities Use Policy*)

*Photographing or Videotaping.* Photographing, videotaping, filming, digitally recording, or by any other means, secretly viewing with or without a device, another person without that person's consent in any location where the person has a reasonable expectation of privacy, or in a manner that violates a reasonable expectation of privacy. This section does not apply to lawful security surveillance filming, or recording that is authorized by Arkansas law, law enforcement, or authorized University officials.

*Prescription Medications.* The University prohibits the misuse of lawful drugs. This includes the abuse, sale, or distribution of prescription or over the counter medications.

*Stolen Property.* Knowingly taking or maintaining possession of stolen property;

*Taking of Property.* Intentional and unauthorized taking of Henderson State University property or the personal property of another, including goods, services and other valuables;

*Threatening Behaviors.*

- *Threat.* Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- *Intimidation.* Implied threats or acts that cause a reasonable fear of harm in another.
- *Bullying and Cyberbullying.* Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally and are not protected by freedom of expression.

*Tobacco Use.* The use of Tobacco Products and Electronic Cigarettes is prohibited. The University is a smoke-free campus in accordance with the Arkansas Campus Clean Air Act of 2009 (A.C.A. 6-60-801 et seq.). The use of any tobacco products, electronic cigarettes, or other instruments that emit vapor or smoke is prohibited everywhere on campus and in any vehicle owned or leased by the University. This prohibition includes but is not limited to athletic facilities, university residence halls, and individual residence hall rooms. The advertising, sale, or distribution of free samples of any tobacco products, electronic cigarettes, or other instruments that emit vapor or smoke are prohibited on University property. Violations of this policy are subject to monetary fines as set out in state law.

*Trust.* Violations of positions of trust within the community;

*Unauthorized Access.* Gaining unauthorized access to any Henderson property or unauthorized possession, duplication, or use of means of access (i.e. keys, cards, etc.) to any Henderson property or failing to make a timely report of a lost Henderson identification card or key;

*Violations of Law.* Evidence of violation of local, state or federal laws.

*Weapons.* Henderson State University prohibits the possession, carrying, storage or use of any handgun, firearm, or weapon of any type (a) on the university campus, (b) in any building owned or controlled by the university, (c) at any university event, (d) during travel on university