

STUDENT CONDUCT

<http://www.astate.edu/a/student-conduct/>

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Mission

It is the mission of the Office of Student Conduct at A-State (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 OSC Staff members are also available for programming needs in reference to the Standards of Student Conduct and appropriate behavior.

STANDARDS OF STUDENT CONDUCT

Preamble

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.

- 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.

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/Dean of Students, or their designee, may 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 their designee, may remove a student from a class to maintain order. Any student who has had interim action taken against them will be afforded a timely resolution for the case.

Student Contact Information

All students are responsible for maintaining their current address, email address and phone number with the Office of the Registrar. 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 A-State 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, except at the start of the academic year. The Standards of Student Conduct will be updated each summer and the new version will be available in the Student Handbook for that academic year.

Policy Interpretation

The Vice Chancellor of Student Affairs/Dean of Students, or their designee is the final authority in defining and interpreting the Non-Academic Standards of Student Conduct and conduct procedures. The Vice Chancellor for Academic Affairs and Research or their designee is the final authority in defining and interpreting the Academic Standards of Student Conduct.

Standards of Student Conduct

When the conduct of any member falls outside the bounds of acceptable 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 the University Standards of Student Conduct. Students are expected to comply with all university policies and procedures. Students failing to maintain these Standards may be asked to leave the university community.

Standards of Student Conduct are divided into two categories: Non-Academic Misconduct and Academic Misconduct. The following list of prohibited behavior 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 on page 15.

Non-Academic Misconduct Standards of Student Conduct

The following is a list of prohibited behavior:

1) Accessory

A student commits a violation of the Non-Academic Standards of Student Conduct if they aid 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 Institutional and System 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, hover boards, self-balancing scooters, battery powered two-wheeled scooters, or other wheeled forms of transportation. The use of skateboards and hover boards is permitted only on sidewalks and parking lots unless otherwise posted. No wheeled form of transportation covered in this policy is permitted in the parking garage. 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.

8) Drugs

- Use, manufacturing, distribution, sale or illegal possession of any quantity, whether usable or not, of any drug, narcotic or controlled substance without a valid medical prescription under current 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, bong, hookahs, roach clips and vials without valid medical prescription.
- Misuse or abuse of prescription drugs.
- Misuse or abuse of any chemical substance.

9) Endangering Conduct

Unlawful abuse, verbal abuse, threats, intimidation, coercion and/or other unlawful conduct which threatens or endangers the health or safety of self or others or violates a legal protective/no contact order, or an institutional no contact directive.

10) Failure to Comply

Failure to comply with directions, verbal, written, or electronic 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 submitting a false report to the Office of Student Conduct, the University Police Department, or any other University Department.
- Providing false or falsified information with intent of harming another university community member.
- 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.
- Use, manufacturing, distribution, sale, or possession of false identification.
- Altering, defacing, or falsifying IDs, or in any way conspiring to obtain false identification.

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

Any form of conduct (written, verbal, physical, graphic, or electronic) that is 1) unwanted; 2) directed towards an individual or group of people; AND 3) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the of the victim would be adversely affected to a degree that interferes with an individual's education or employment performance or creates an intimidating, hostile, or offensive university environment.

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. For more information and resources regarding hazing, please check out the following link: <http://www.astate.edu/hazing>.

18) Unlawful Behavior

Any conduct that is otherwise unlawful.

19) Littering

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

20) Non-recognized Organizations

Non-recognized and/or unregistered student groups attempting to function on the campus 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.

21) 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.

22) Recording Ethics

Viewing, transmitting, recording, filming, photographing, producing or creating a digital electronic file of the image or voice of another person without their knowledge, or consent.

This policy also applies in the classroom setting except where permission is received from the instructor.

23) Sexual Harassment

Unwelcome gender-based verbal or physical conduct and occurs when:

- Submission to, or toleration of, such conduct is made either explicitly or implicitly as a condition of instruction, employment, or participation in other university activities;
- Submission to, or rejection of, such conduct is used as the basis for employment or education decisions affecting the individual;
- Such conduct is severe, pervasive, and objectionably offensive such that it has the effect of unreasonably interfering with an individual’s education or work performance or creating an intimidating, hostile or offensive university environment.

Sexual Harassment that meets the jurisdictional requirements of Title IX shall be addressed using the Title IX procedure.

24) Sexual Assault

Sexual conduct without consent or sexual conduct that occurs after consent has been withdrawn. Sexual acts occur without consent when they are performed by force, in response to a threat, against a person’s will, or where a person is incapable of giving consent due to minority, intellectual impairment, or use of mind-altering substances such as drugs or alcohol.

Sexual Assault that meets the jurisdictional requirements of Title IX shall be addressed using the Title IX procedure.

25) Smoking

Use of tobacco is not permitted on university property. This includes, but is not limited to, the use all lighted tobacco and plant products including cigarettes, cigars, and pipes, smokeless tobacco, and vaping devices including e-cigarettes. Possession of tobacco products by persons under the age of 21 is prohibited.

26) Solicitation Activities

Solicitation not in accordance with federal, state or local laws.

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 their 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 entry includes, but is not limited to, entry into a building through a window or side door.
- Unauthorized entry with a vehicle into any gated and/or private parking lot on University property.
- 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 and is in violation of law or University procedure.

31) Violations of Other University Regulations

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

32) Weapons

Unless authorized 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.

33) Pet Possession

Students and guests may not possess an animal on campus other than fish; aquariums are to be limited to 10 gallons or less. This policy does not affect rights granted by the Fair Housing, Act, the Rehabilitation Act, or the American with Disabilities Act; hence, this policy is not applicable to service or support animals. For questions on how to properly register an assistance animal, please first contact Access & Accommodation Services at (870)972-3964. This policy also does not apply horses as permitted at the Equine Center or animals used as part of an academic program. Residents of The Village and The Circle have the ability to have specific pets within their assigned housing space with approval from University Housing. The Director of University Housing (or designee) must approve all animals, aside from fish, that will reside in The Village and The Circle, and outlined policies must be followed.

Conduct Information and Procedures

- 1) Any individual may refer a student or student organization to the A-State Office of Student Conduct for potential violations of the A-State Non-Academic Standards of Student Conduct. Conduct Referrals, or Incident Reports should be submitted to the Office of Student Conduct within ten (10) university business days. Conduct referrals or Incident Reports reporting incidents of Sexual Assault, Sexual Harassment, or Sexual Misconduct should be referred to the A-State Office of Title IX and Institutional Equity: www.astate.edu/a/affirmative-action/.
- 2) Upon receiving a Conduct Referral or Incident Report, the A-State Office of Student Conduct will determine if there is sufficient information to show a student or student organization potentially violated a policy of the A-State Non-Academic Standards of Student Conduct. The student or student organization (respondent) who potentially violated a policy of the A-State Non-Academic Standards of Student Conduct will be contacted through university email to schedule an initial meeting with the A-State Office of Student Conduct concerning the potential policy violations.
- 3) The A-State Office of Student Conduct will determine the initial hearing officer. The initial hearing officer may be one of the following: Director of Student Conduct, Office of Student Conduct Staff members, the Student Disciplinary Committee, Student Hearing Boards, and/or others designated by the Director of Student Conduct.