

Code of Student Conduct and Disciplinary Procedures	Procedure Number	550
	Effective Date	April 11, 2025

1.0 PURPOSE

The Student Code of Conduct sets forth behavioral standards for students to follow as they live, study, work, and pursue their educational goals in a safe and secure learning environment at the University of Arkansas-Pulaski Technical College (“the College”). The Code reflects expectations based on values essential to a flourishing academic environment, such as honesty, integrity, respect, and fairness.

2.0 REVISION HISTORY

- July 1993**
- September 2014**
- December 10, 2018**
- January 2019**
- March 2024**

3.0 PERSONS AFFECTED

Students and Student Organizations

4.0 DEFINITIONS

1. “Academic Dishonesty” means an action that violates a rule regarding academic work required to obtain an academic degree or certificate. Examples include, but are not limited to, using unauthorized materials, information, study aids, or artificial intelligence programs; cheating; plagiarism; forgery; falsification of information; receiving unauthorized assistance on coursework; providing false information to receive an extension to complete work; any violation of a campus, departmental, program, or faculty rules relating to an academic matter that may lead to an unfair academic advantage; or complicity with another individual who has engaged in an act of academic dishonesty.

2. “Administrative File” means all documents and evidence in the College’s possession or control that is relevant to an alleged violation of the Code and the College’s investigation into the alleged violation.
 - a. The Administrative File does not include privileged documents, internal communications, or communications from non-parties that the College does not intend to introduce as evidence at a disciplinary proceeding.

 - b. The Administrative File includes, without limitation, the following:
 - i. Exculpatory evidence;
 - ii. Statements by an accuser or an accused Student or a Student organization;
 - iii. Third-Party witness statements;
 - iv. Electronically stored information;
 - v. Written communications;
 - vi. Social media posts;
 - vii. Demonstrative evidence;
 - viii. Documents submitted by any participant involved in disciplinary proceedings; and
 - ix. The College’s choice of a video recording, an audio recording, or a transcript of any disciplinary Hearing

- x. ultimately held on the matter.
- 3. "Campus" means all land, building, facilities, and other real property owned by or leased to the University.
- 4. "Campus Community" means all persons affiliated with the College, including Students, faculty, administrators, staff, and volunteers.
- 5. "Chancellor" means the chief executive officer of the College.
- 6. "Code" means this Student Code of Conduct.
- 7. "College" UA-Pulaski Technical College including all of its locations, learning centers, and distance learning.
- 8. "College Policy" Any provision of a Board of Visitors order or rule, an official operations letter, or a published directive, rule, or regulation.
- 9. "College Officials" Those persons who have been given the responsibility and authority by the appropriate agency or person, including trustees, campus police officers, faculty and administrative staff.
- 10. "Complainant" means any member of the Campus Community who alleges that a Respondent violated the Code.
- 11. "Complaint" means an oral or written request for the College to initiate its procedures to address alleged violations of this Code.
- 12. "Day" means a calendar day, unless otherwise specified. A "business day" excludes weekends, holidays, and other days when the Campus is closed.
- 13. "Free Speech Rights" means the expressive rights protected by the First Amendment to the U.S. Constitution, Section 2, Section 6 of the Arkansas Constitution, or an applicable statute.
- 14. "Hearing" means the forum in which the Respondent is given an opportunity to be heard, following adequate notice, and which results in a decision concerning responsibility and sanctions.
- 15. "Hearing Officer" means a single, impartial individual who conducts a Hearing, decides whether a Respondent is responsible for violating the Code, and imposes sanctions.
- 16. "Hearing Panel" means an impartial body of at least three members convened for the purpose of conducting a Hearing, deciding whether a Respondent is responsible for violating the Code and imposing sanctions. A Hearing Panel's determination of responsibility shall be made by majority vote.
- 17. "Parties" means the Complainant(s) and Respondent(s) in a case under the Code. The Complainant and Respondent shall have similar rights regarding the right to be present and participate in disciplinary proceedings, representation by an advisor, access to the Administrative File, and the right to appeal.
- 18. "Relevant" means related to the allegations of a violation of this Code that are subject to an investigation. Questions are relevant when they seek evidence that may aid in showing whether the violation occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged violation occurred.

19. "Remedies" means measures provided, as appropriate, to a Complainant or any other person the College identifies as having had equal access to the College's program or activity limited or denied by a violation of this Code. The measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that a violation occurred.
20. "Respondent" means the Student or Student organization accused of violating the Code. When a Complaint alleges that the College's policy or practice discriminates on an unlawful basis, the College is not considered a Respondent.
21. "Responsible Student" means a Respondent determined to have violated this Code.
22. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by a Student, employee, or person authorized by the College to provide aid, benefit, or service under the College's program or activity, or the College for the purpose of interfering with any right or privilege secured by this Code or a state or federal law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including an informal resolution process, grievance procedures, and in any other appropriate steps taken by a College in response to an allegation of a violation of this Code.
23. "Sanction" means a consequence or action that is imposed on a Respondent following a determination that the Respondent violated the Code. Sanctions are not designed to be punitive; rather, they are intended to be educational measures that hold Students accountable for their behavior and protect the Campus Community. Sanctions can range from a verbal warning to expulsion or suspension.
24. "Student" Includes all persons who have gained admission to and/or who are taking courses at UA-Pulaski Technical College. This includes both full-time and part-time, pursuing undergraduate, technical, certificate, GED classes, ESL classes, and life-long learning (continuing education) studies.
25. "Student Conduct Administrator" means a College employee who is responsible for the implementation of this Code, including Title IX coordinators, investigators, and decision-makers.
26. "Student Organization" means any number of persons who have, as a group, engaged in a particular activity and have complied with the formal requirements for official College recognition.

III. Interpretive Principles

1. The Board of Trustees of the College of Arkansas has designated the Chancellor as the chief executive of the College. The Chancellor is responsible for ensuring that the College applies this Code in an impartial and consistent manner. Student Conduct Administrators are responsible for overseeing the disciplinary proceedings and imposing sanctions for violations of the Code.

2. Nothing in this Code shall be interpreted to abridge the constitutional or statutory rights of any person. To the extent that a provision in this Code is inconsistent with a constitutional or statutory provision, the legal provision will control.

3. This Code and related policies and procedures are not intended to create contractual rights, property rights, or liberty interests.

IV. Applicability of the Code of Conduct

1. Students must follow the Code during the time they are enrolled in the College. The Code shall apply to a

Student's conduct while enrolled in the College, even if the Student withdraws while a disciplinary matter is pending.

2. The Code shall apply to the following:

- a. Conduct that occurs on Campus;
- b. Conduct that occurs at a College-Sponsored Activity;
- c. Conduct that occurs off-campus under one of the following conditions:
 - i. The College exercises substantial control over both the location and the Respondent (including any building owned or controlled by a Student organization that is officially recognized by the College); or
 - ii. The conduct adversely affects the Campus Community or the pursuit of the College's objectives; and
- d. Conduct that constitutes Academic Dishonesty regardless of location, even if the Academic Dishonesty is not discovered until after a degree is awarded.

3. If necessary to protect the rights and safety of the Campus Community, the College may suspend any Student charged with a felony in any jurisdiction until the charges are dropped, the case is dismissed, or a judgment of conviction or acquittal is secured. The College must provide an administrative Hearing under Section 11.2 before taking this action, where the issue to be decided is the existence and nature of the charges.

4. If necessary to protect the rights and safety of the campus community, the College may expel any Student who has been convicted of a felony while enrolled. If the Student's conviction is overturned on appeal, the College shall allow the Student to re-enroll. The College must provide an administrative Hearing under Section 11.2 before taking this action, where the issue to be decided is the existence and nature of the conviction.

5. The College may discipline Students for the violation of any law involving drugs or alcohol on its property or as part of its activities. A Student who tests positive for a controlled substance while representing the College may be subject to disciplinary action under this Code.

6. The College's separate Title IX grievance procedures shall apply to alleged conduct that constitutes Sex-based Harassment (including sexual assault) and that falls within the scope of the College's Title IX jurisdiction.

V. Application of the Code of Conduct to Student Organizations

Student organizations and their officers and members, in their capacity as such, are subject to sanctions only upon a showing of actual participation in, or actual authorization or ratification of, a violation of the Code. In making this determination, the College shall consider whether the organization's members were acting in accord with its practices and policies, or with the knowledge or approval of a substantial number of its members or leadership.

VI. Prohibited Conduct

3.1 Endangerment

- Physical or verbal abuse, threats, assault, mistreatment of any person on college property, or at college-sponsored and supervised functions. This includes engaging in any form of fighting.
- Action that endangers the health, safety or well-being of another person or group.
- Action or threats of action that serve the purpose of endangering one's own health or safety.
- Interference with the freedom of another person to move about in a lawful manner.

3.2 Harassment

Engaging in harassment, intimidation, or bullying. A student will be found responsible for harassment, intimidation or bullying if he or she engages in conduct, including any gesture, written, verbal or physical act, or any electronic communication (which includes e-mails, text messages, and Internet postings on websites or other social media), whether it be a single incident or series of incidents, occurs on the premises of UA - PTC or off, or at any college-sponsored event, that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of the College or the rights of any student or other member of the campus community; and that:

- Involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, College employment, or participation in activities sponsored by the College or organizations or groups related to the College.
- A reasonable person should know, under the circumstances, will have the effect of insulting or demeaning a campus community member or student group.
- Creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the College community, or by severely or pervasively causing physical or emotional harm to the student or other member of the College community.
- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or other person or damaging the person's property or placing him/her in reasonable fear of physical or emotional harm to his/her person, or to any member of that person's family or household, or of damage to his/her property.
 - Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.
- Conduct that criticizes, taunts, belittles, or denies educational opportunities to an individual based on a documented disability.

3.3 Disruption

- Conduct that impairs, interferes with, or obstructs the orderly educational processes and functions of the college or the rights of other members of the College community, including teaching, studying, research and college administration. This includes acts that occur both inside and outside the classroom setting.
- Each faculty member is his or her own disciplinarian in class and is authorized to correct inappropriate conduct anywhere on college property at any time. A faculty member has the right to temporarily suspend a student from his or her classroom for the remainder of the class whenever the student is disrupting the class to a point that there is no longer a learning environment.
- Intentionally and substantially interfering with the freedom of expression of others.
- Inciting and/or participating in campus demonstrations which disrupt the normal operations of the college.
- Obstruction or interfering with the freedom of pedestrian or vehicular movement on campus or at college-sponsored or college-supervised functions.
- Unauthorized commercial solicitation on campus.

Cellular phones, pagers, and other electronic devices shall not be used in a manner that causes disruption in the classroom, library or within any college-owned or college-operated facilities. This includes abuse of cellular devices with photographic capability. Utilizing these devices for the purposes of photographing test questions or other forms of academic misconduct or illegal activity is prohibited, as is photographing individuals in secured areas such as lavatories or locker rooms. Taking photographs of any individuals against their will is strictly prohibited.

3.4 Sexual Misconduct and Harassment:

Sex-based harassment (including sexual assault) is a particular type of discrimination that is covered by the College's separate Title IX grievance procedures.

3.5 Dishonesty

The following policies and procedures concerning cheating and plagiarism are printed for the information of all students. The gaining of knowledge and the practice of honesty go hand-in-hand. The importance of knowledge properly gained is emphasized by the grading system. The importance of honesty, fully practiced, is emphasized by these rules against cheating and plagiarism. An act of cheating or plagiarism in any degree subjects a student to disciplinary procedures listed below. All forms of dishonesty include, but are not limited to, the following:

Cheating

- a) Copying from another student's test paper.
- b) Using any unauthorized assistance in taking quizzes, tests or examinations.
- c) Possession during a test of materials that are not authorized by the person giving the test, such as class notes or specifically designed "crib notes," or any other device or technology that would aid in cheating.
- d) Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems or carrying out assignments.
- e) The acquisition, without permission, of tests or other academic material belonging to a member of the UA - Pulaski Technical College faculty or staff.
- f) Aiding and abetting another person in committing any form of academic dishonesty.

Plagiarism

Plagiarism Defined: Offering the work of another person as one's own without proper acknowledgment is plagiarism. Therefore, any student who fails to give appropriate credit for ideas or material he or she takes from another, whether fellow student or a resource writer, is guilty of plagiarism. This includes downloading or buying papers from the Internet and cutting and pasting from the Internet without

Other

- a) Making, possessing or using any falsified college documents or records; altering any college document or record, including identification cards.
- b) Knowingly providing false information to college officials, including disciplinary meeting bodies. Passing insufficient funds checks or fraudulent money orders in payment of any financial obligations to the college.
- c) Falsely claiming to represent the college or a registered student organization of the college.

Procedure for Discipline of Cheating and Plagiarism: The responsibility and authority of initiating discipline arising from violations of the rules against dishonesty during the process of the course are vested in the instructor of that course.

Academic Penalty

If, in the judgment of the instructor, cheating, or plagiarism has occurred, the penalty assessed could be a grade of "F" in the course. The instructor will notify the student of his or her decision concerning the student's grade. Students should understand that offenses of cheating may also subject the offenders to disciplinary action. The Dean of Student Affairs or his or her designee shall determine if disciplinary action is warranted.

Instructor Reporting

In every instance, the instructor will prepare a report indicating the nature of the cheating/plagiarism incident and the student's grade in the course. The instructor will retain one copy of the report and send another copy to the appropriate dean. The dean will forward information concerning the incident to the Dean of Student Affairs or his or her designee.

Student Rights Related to Cheating and Plagiarism

Students have due process rights with regard to cheating and plagiarism violations. Students wishing to appeal a grade related to cheating or plagiarism should follow the Academic Due Process procedures outlined in the Academic Catalog and Student Handbook. Students wishing to appeal disciplinary sanctions should follow procedures outlined in the Disciplinary Procedures section of the Student Handbook. Once an instructor has determined that academic dishonesty has occurred, the accused student may not withdraw from or drop the course. The student must appeal the grade given by the instructor by completing the Academic Due Process procedures.

3.6 Firearms, Fireworks, Explosives, Weapons

Except as permitted by law, including, but not limited to, Ark. Code Ann. § 5-73-322(g), possession, discharge or other use of weapons including, but not limited to, firearms, firearm ammunition, air pistols, air rifles, fireworks, incendiary devices, lock blade or fixed blade knives with a blade length of four inches or greater, blackjacks, metal knuckles, bows, arrows, nun chucks, Tasers, or other electrical stun devices, visible body armor and similar equipment, shields, smoke canisters, or any other such weapon of any description on any grounds, buildings, or vehicles owned or operated by UA - PTC is prohibited. Further, storage of any weapon, including handguns, is prohibited at any such location, except that a concealed handgun may be stored in a licensee's locked and unattended motor vehicle.

Possession of any tear gas type products in personal use quantities for the purpose of self-defense is permissible. The use of tear gas type products for purposes other than self-defense is prohibited.

The carrying of concealed weapons by licensed concealed carry holders with enhanced certification is addressed in detail by UA System wide Policies and Procedures 290.1. Violations of this policy may be punishable by disciplinary action, which may include suspension or expulsion from UA - PTC.

Weapons for use by the UA - PTC Police Department may be stored in their respective secured areas.

3.7 Illegal Drugs and Alcohol

Possessing, using, distributing, manufacturing, or selling alcohol or other drugs on college property or at college-authorized activities, even if the activity is not conducted on campus, is prohibited.

Alcohol usage, regardless of age, is strictly prohibited at any off-campus, college-authorized activity or travel. Appearing on college-owned or controlled property or at a college-sponsored event while under the influence of a controlled substance or any other intoxicating substance is prohibited.

3.8 Fire and Safety Violations

- Removal, damage or unauthorized tampering or activation of fire, safety, or any emergency warning equipment.
- Intentionally and falsely reporting bombs, fires or other emergencies to a college official.

3.9 Gambling

Gambling of any form on college property or at a college-sanctioned event is prohibited.

3.10 Property Violations

- Vandalizing, damaging, destroying or defacing public or private property.
- Stealing, attempted theft, unauthorized borrowing or use of any college property or the property of others.
- Unauthorized presence in, or use of college premises, facilities, or property including, but not limited to, unauthorized presence in any college building.

3.11 Computer Violations

- Unauthorized access or entry into a computer, computer system, network, software or data.
- Unauthorized alteration of computer equipment, software, network or data.
- Unauthorized copying or distribution of computer software or data.
- Unauthorized use or transfer of an electronic file or files.
- Use of another individual's identification and/or password.
- The use of campus computers to access or transmit pornography or inappropriate materials.
- Violations of Internet and e-mail use include, but are not limited to, accessing, downloading, uploading, saving, receiving, or sending material that includes sexually explicit content or other material using vulgar, sexist, racist, threatening, violent or defamatory language.
- Use of computing facilities and resources to interfere with normal operation of the UA - PTC computing system.
- Illegal downloading, whether intentional or unintentional.
- Any other act that violates Arkansas law or the college computer guidelines that is hereby incorporated by reference.

All copyright and file-sharing infringements will be governed by the Digital Millennium Copyright Act. Violation of either computer or copyright law may result in disciplinary action including, but not limited to, probation, suspension, fines or jail.

3.12 Administrative Summons

Failure or refusal to comply with directions of an administrative summons or of college officials, including campus police officers, acting in the performance of their duties. This includes refusal or inability to produce a college-issued student identification card upon request.

3.13 Smoking

- The "Clean Air on Campus Act" prohibits smoking on each campus of state-supported institutions of higher education.
- The law defines "campus" as "all property, including buildings and grounds that are owned or operated by a state-supported institution of higher education."
- An individual or campus subject to the smoking prohibitions shall not discriminate or retaliate in any manner against a person for making a complaint of a violation or furnishing information concerning a violation to a person, campus or governing authority.
- Violators may face fines ranging from \$100-\$500.

3.14 Disorderly Conduct

Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals is prohibited.

3.15 Wheeled Devices

- The use of skateboards, bicycles, skates, and other wheeled forms of recreational transportation is strictly prohibited in all college buildings.
- Persons using roller skates, rollerblades or inline skates must remove the skates prior to entry of any college-owned or operated building. Students using Heelys Roller Shoes or other similar devices must disengage the roller mechanism of the shoe before entering any college-owned or operated building.
- Wheeled devices other than bicycles may not be used in roadways, parking lots, or other areas meant for vehicular use.
Due to potential fire hazard, hoverboards and other electric skateboards and electric balance boards are prohibited from UA-PTC property.
- Using wheeled devices in a way in which the wheels leave the ground, or touch areas other than the ground, is prohibited.
- Any person choosing to operate a wheeled device must yield the right of way to pedestrians on sidewalks, in crosswalks, and in other areas populated by pedestrians.
- Operating wheeled vehicles at excessive speeds is prohibited. Operating wheeled vehicles at excessive speeds is prohibited, with the determination of excessive being at the discretion of college officials and/or campus police. A person choosing to engage in the use of wheeled transportation of any sort assumes responsibility for personal injury to themselves and/or others and shall be solely responsible for damage caused to property. All risks associated with the use of a wheeled device are assumed by the individual, and the College is not liable for property damage or personal injury related to the use of said vehicles.

3.16 Other Violations

Any attempt to commit any of the offenses listed under this section, (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission) is prohibited.

- Violation of published college policies, rules, and regulations, including but not limited to, parking, smoking, solicitation, distribution of literature, sexual harassment and campus posting rules.
- Violation of federal, state or local laws. In all cases of alleged violations of public law or student code of conduct, the College reserves the right to review the allegations and exercise disciplinary sanctions (if any) in addition to any proceedings that occur as matter of public law.
- Aiding or abetting any violation of federal law, state law or local ordinance.

UA - Pulaski Technical College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code of Student Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal litigation in court of criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Affairs. Determinations made or sanctions imposed under this Code of Student Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

3.17 Interference with College Process

Attempting to influence the impartiality of a conduct officer or member of an appeals committee prior to or during the course of the conduct or appeals process by means of harassment or intimidation with the intent of influencing the outcome of the process.

3.18 Hazing

Students may not engage in hazing or encourage, aid, or assist any person in hazing. In addition, Students shall not knowingly acquiesce in the commission of hazing or fail to report promptly his or her reasonable knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing to an appropriate College Official.

Hazing means:

- a. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a student organization if the volunteer or employee is acting on behalf of, or in the name of, the student organization, acting alone, or acting with others when the conduct is directed against any other Student and done for the purpose of intimidating the Student attacked by threatening him or her with social or other ostracism or of submitting such Student to ignominy, shame, or disgrace among his or her fellow Students, and acts calculated to produce such results;
- b. The playing of abusive or truculent tricks on or off the property of the College by one Student, alumnus, or volunteer or employee of a student organization if the volunteer or employee is acting on behalf of, or in the name of, the student organization, acting alone, or acting with others, upon another Student to frighten or scare him or her;
- c. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a student organization, if the volunteer or employee is acting on behalf of, or in the name of, the student organization, acting alone, or acting with others which is directed against any other Student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the Student, attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or
- d. A willful act on or off the property of the College by one Student, alumnus, or volunteer or employee of a student organization if the volunteer or employee is acting on behalf of, or in the name of, the student organization, acting 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 Student made for the purpose of committing any of the acts, or producing any of the results, to such Student as defined in this section.
- e. The term "hazing"
 - i. Does not include customary athletic events or similar contests or competitions; and
 - ii. Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

3.19 Incorporation of Other Rules

This Code incorporates all other rules regarding Student conduct contained in College policies. A violation of the rule constitutes a violation of this Code.

5.0 PROCEDURES

Jurisdiction

The rules and regulations of the University of Arkansas-Pulaski Technical College apply to all conduct on college-owned, controlled or operated property, and at college-sponsored activities either on or away from campus.

The Code of Student Conduct applies to all persons enrolled in courses offered by the University of Arkansas Pulaski Technical College, to persons who have been notified of their acceptance for admission, even if not presently enrolled at the institution. The Code of Student Conduct also applies to persons who withdraw or graduate after allegedly violating the Code of Student Conduct or who are not enrolled for a particular term but have an apparent continuing relationship with the College. A "continuing relationship" may include, but is not limited to, students enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment, or a student accepted for admission who has indicated intent to attend in a future period of enrollment.

While procedures may vary, the Student Standards of the Code of Student Conduct apply to both on- and off-campus behavior (including behavior occurring in a foreign country or in another state, and behavior at all College-sponsored activities, regardless of location) that may have an impact on the mission of the College, or that may have an impact on the health, safety or welfare of any individuals involved. The Dean of Student Life and Wellness shall determine, on a case-by-case basis, whether an incident that occurs off-campus adversely affects the College's mission or members of the campus community in pursuit of their institutional and educational goals and, thus, falls within the scope of the Code of Student Conduct. In determining whether or not to exercise off-campus jurisdiction, the Dean of Student Life and Wellness may consider, among other criteria, the seriousness of the alleged offense, whether drugs and/or alcohol are involved, the risk of harm involved, whether the alleged Complainant(s) are members of the campus community, and whether the off-campus conduct is part of a series of actions which occurred both on- and off-campus.

The University of Arkansas Pulaski Technical College may act in situations involving a student or Student Organization's violation of federal, state or local law. If a student or Student Organization is reported by a community member for possible violations of the law, the College will cooperate with appropriate officials to take necessary legal action.

The College reserves the right to withhold a degree otherwise earned and to deny a student participation in graduation ceremonies until the completion of a pending case and/or all Sanctions imposed for violations of the Code of Student Conduct. The College further reserves the right to withdraw degrees, honors, or awards for actions that occurred before graduation

Student Rights and Responsibilities in the Student Conduct Process:

Under the direction of the Chancellor, and subject to other College policies, the Vice Chancellor for Enrollment Management and Student Life (VCEMSL) has primary responsibility and authority for the administration of the Student Conduct process in response to alleged violations defined in the Code of Student Conduct. Further delegation of this authority may be made by the VCEMSL to the Dean of Students Life and Wellness.

1. Equal Treatment. The College shall treat the Complainant and Respondent equitably.
2. Notice. A Party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all meetings, investigative interviews, or Hearings with sufficient time for the Party to prepare to participate.
3. Access to Administrative File

- a. The College shall maintain an Administrative File of all disciplinary proceedings.
- b. The Parties may have reasonable continuing access to the Administrative File and the ability to review all documents and evidence in the Administrative File by contacting the Student Conduct Administrator to schedule a reasonable date and time for the inspection.
- c. Individual portions of the Administrative File shall be redacted if confidentiality of the evidence is required by law.

4. Presumption of Innocence. Respondents are presumed innocent. They shall not be deemed in violation of the Code until (1) a Student or Student organization acknowledges responsibility of a violation of the Code or (2) the conclusion of all disciplinary proceedings during which an institution has established every element of an alleged violation by the Student or Student organization.

5. Consideration of Evidence. The College shall make good-faith efforts to include relevant evidence and exclude evidence that is neither relevant nor probative. The College will not, however, follow formal rules of evidence or other rules of court. An objective evaluation of the evidence must include both inculpatory and exculpatory evidence, and credibility determinations must not be based on a person's status as a Complainant, Respondent, or witness. However, all evidence (including relevant evidence) of the following types will be excluded, and evidence seeking that evidence will be disallowed as impermissible (i.e., not accessed, considered, disclosed, or otherwise used):

- a) Evidence that is protected under a privilege as recognized by federal or state law, unless the person holding such a privilege has waived the privilege voluntarily in a manner permitted in Arkansas;
- b) The College's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party, unless the College obtains the Party's voluntary, written consent for use in the College's disciplinary proceedings;
- c) Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is offered to prove consent with evidence concerning specific incidents of the Complainant's prior sexual conduct with the Respondent. The fact of prior consensual sexual conduct between the Complainant and Respondent does not demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

6. Right to Appeal. A Party may appeal an adverse decision regarding a finding of responsibility to the Vice Chancellor for Enrollment Management and Student Life or designee, and the decision on appeal shall serve as the final institutional decision on the matter.

7. Standard and Burden of Proof. The burden is on the College—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether a violation occurred. The decisionmaker shall not find the Respondent responsible unless the preponderance of the evidence establishes each element of the offense. The decisionmaker shall evaluate relevant evidence for its persuasiveness; if the decisionmaker is not persuaded under the foregoing standard by the evidence that a violation occurred, whatever the quantity the evidence is, the decisionmaker should not determine that a violation occurred.

8. Admission of Responsibility. The Respondent may admit in writing to violating this Code at any time. A Hearing will then be held to determine an appropriate sanction unless the Respondent waives such a Hearing and accepts a sanction determined by the Student Conduct Administrator.

9. Nonappearance. The College will not make any negative inferences against a Party solely for the Party's failure to answer questions or otherwise participate in the Student conduct process. However, a Party's failure to participate does not preclude the College from conducting the disciplinary process in that Party's absence.

10. **Obligation to Provide Truthful Information.** Parties and witnesses shall, to the best of their abilities, provide truthful and accurate information in their written submissions and during investigatory interviews and Hearings.
11. **No Retaliation.** A Party shall not be subjected to retaliation because he or she exercised the Party's rights under the Code.
12. **Weapons.** Individuals may not carry a concealed handgun into any disciplinary Hearing, provided that they have been notified at least 24 hours prior to the Hearing, the meeting will last no longer than 9 hours, and the meeting space has been marked with appropriate signage.
13. **No Conflicts or Bias.** The Student Conduct Administrator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. A Party may raise a concern regarding a potential conflict or bias with the Vice Chancellor for Enrollment Management and Student Life or designee.
14. **Extensions of Time.** The Parties may obtain reasonable extensions of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reasons for the delay.
15. **Role of University Counsel.** At all stages of the proceedings, a Student Conduct Administrator, Hearing Officer, member of a Hearing Panel, or other administrators may seek advice from the University's Office of General Counsel on questions of law, policy, and procedure. An attorney from the General Counsel's Office may attend proceedings for the purpose of giving such advice.
16. **Additional Rights in Cases Involving Non-Academic Violations with the Possibility of Expulsion or Suspension from the College.** In cases in which a sanction of expulsion or suspension from the College may be imposed for a violation of the Code, the Parties shall have the following additional rights:
- a) The Parties shall have an equal opportunity to present relevant fact witnesses and other inculpatory and exculpatory evidence. The process shall enable the decision-maker to adequately assess the credibility of the Parties and witnesses to the extent credibility is both in dispute and relevant to evaluating one or more allegations.
 - b) A Party shall have a right to be present and advised by an attorney or non-attorney advisor during the Party's investigatory interview, the Hearing to determine responsibility, and the appeal. The advisor may fully participate in the proceedings. A Party may be represented by an advisor until the conclusion of the appellate process. The following principles also apply to advisors:
 - i An advisor may provide discreet advice to the represented Party during an investigatory interview but may not interfere with the information-gathering process.
 - ii In cases that do not involve allegations of Sex-based Harassment, the College is not responsible for selecting, training, or arranging for the participation of advisors or for paying a Party's advising costs.
 - iii The Hearing Officer or Chair of the Hearing Panel may disallow the attendance of a particular advisor if, in the discretion of the Hearing Officer or Chair, such person's presence becomes disruptive or obstructive to the process. Advisors will not be permitted to question a witness in an abusive or threatening manner.
 - c) Both Parties shall receive a written notification of the decision within a reasonable period of time after the Hearing.
 - d) The Parties shall have the right for the disciplinary proceedings to be carried out free from conflicts of interest by ensuring that there is no comingling of administrative or adjudicative roles. During the disciplinary proceedings, there shall be no commingling of the roles of (1) attorney or non-attorney advisor, (2) investigator, (3) adjudicator, and (4) appellate adjudicator. The investigator may, however, present evidence at a Hearing

Determination of Probable Cause

Subject to all other provisions of the Code or College policy, any student charged with an alleged violation under this Code shall be presumed “not responsible” for a violation until determined to be “responsible” by a preponderance of evidence

or the student acknowledges responsibility of a violation of the Code; for a student to be found “responsible” for a violation, the evidence must indicate that it is more likely than not that a violation occurred..

Filing Complaints

Any member of the college community may file a verbal or written complaint against any student or Student Organization for a violation of the Code of Student Conduct. The complaint may be filed with the Dean of Student Life and Wellness or his/her designee.

The Colleges’ ability to investigate reported incidents and enforce the College’s policies depends on the accuracy and specificity of the information provided. Complainants, victims and reporters are encouraged to provide as much specific detail (i.e. names, dates, times, location, nature of the behavior, etc.) as possible so that appropriate action may be taken.

Complainants have the option to submit a report anonymously, though officials prefer contact information be provided for necessary follow-up. Should contact information not be provided, the Colleges’ ability to investigate and address the behaviors reported may be limited. To the extent possible, identity may be kept confidential. All individuals are encouraged to contact law enforcement immediately if they feel unsafe or threatened.

Amnesty

The College offers amnesty to anyone who may be hesitant to report a serious incident because of fear that they personally may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct sanctions or records will result.

Preliminary Investigation

Upon receipt of information that a student has allegedly violated University policies or local, state, or federal law, the Dean of Student Life and Wellness or designee shall conduct a preliminary review of the complaint and may investigate the alleged violation. After completing a preliminary review and/or investigation the matter may proceed with the Student Conduct process

Proceeding with the Student Conduct process may involve

- a. Proceeding to informal resolution or formal resolutions described below; or
- b. Imposing an Interim Suspension or Supportive and Interim Measures as described below which will remain in effect pending a review by the appropriate College official; or
- c. The matter may be dismissed or closed due to insufficient evidence and/or determined not to be a violation of the Code of Student Life.

Consolidation of Complaints

The Student Conduct Administrator may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same facts or circumstances.

Student Conduct Correspondence

Student Conduct correspondence regarding alleged violations of the Code of Student Conduct will generally be sent to the student’s College email account or the most current address listed with the College Record’s Office. However,

the College reserves the right to use other reasonable means to notify students. Students involved within a Student Conduct Proceedings are responsible for checking their College email accounts on a regular basis.

Administrative Hearings

The purpose of an Administrative Hearing is to determine whether a Respondent (accused student) is “responsible” or “not responsible” for violating the Code of Student Conduct. No later than five (5) business days from the date of an Administrative Hearing, a decision will be made based on available information, with or without the attendance of the Respondent, if efforts have been made to notify the Respondent consistent with this Code. If the Respondent fails to attend the Administrative Hearing and has not responded to the notification letter outlining the alleged violations, it will be assumed that the Respondent denies responsibility for all allegations. When a Respondent is found responsible and it is deemed appropriate, Sanctions will be imposed. If a Respondent fails to attend an Administrative Hearing, they will be

notified in writing of the outcome. In situations where a Respondent is found “not responsible” for the charged violations, but the Hearing Officer concludes that the Respondent would benefit from an educational conversation with an appropriate College official, the Hearing Officer may require a Respondent to participate in such a conversation.

Informal Resolution

If the Dean of Student Life and Wellness determines that the facts of the complaint or report, even if true, may not constitute a violation of policy but may have caused harm to the community, the situation is sufficiently minor, or the Complainant requests the matter be resolved via informal resolution, the Student Conduct Administrator may attempt to resolve the matter using informal resolution methods including, but not limited to;

1. Attempt to resolve the situation through an educational conversation with involved parties, or a referral for an educational conversation with another University official; or
2. Perform an initial investigation to determine what charges should be brought against the Respondent and whether those charges could potentially result in Student Conduct action and determine to resolve those charges with an Educational Conversation; or
3. A student may receive a Policy Reminder letter in lieu of a meeting or charge letter. A policy reminder is a summary of the potential violation and reminder of the relevant policy in the Code of Student Life. No factual findings or decision about whether a policy violation occurred are made and no action is required on the part of the student.
4. A mutually agreed-upon informal resolution may be executed between a Complainant and Respondent, where such potential terms include but are not limited to: a. Restrictions on contact; and b. Restrictions on the Respondent’s participation in one or more of the University’s programs or activities or attendance of specific events; and c. Restrictions the University could have imposed as educational Sanctions had the University determined that a violation of this Code occurred; and d. Other similar or appropriate remedies
5. Any informal resolution shall be in writing and shall represent the final resolution of the case, unless one of the parties fails to adhere to the terms of the agreement.
6. If the Hearing Officer determines that an informal resolution cannot be agreed upon or if the parties do not agree to an informal resolution, the process is unsuccessful, or informal resolution is not appropriate due to the nature of the complaint, then the formal Student Conduct Proceedings will commence or resume.
7. If the parties do not fulfill the requirements of the informal resolution, the Hearing Officer will refer the matter to the Student Conduct process for formal review and possible adjudication.

Formal Resolution: Lower Level Violations

The Student Conduct Administrator or designee shall ensure that the Respondent receives:

1. To have written notice of the violation(s) and an outline of these rights prior to an Administrative Hearing. If additional alleged violations are brought, a further written notice must be forwarded to the Respondent
2. An opportunity to inspect the Administrative File;
3. An opportunity to be heard at a meeting with the Student Conduct Administrator or designee;
4. A written decision on whether the accused student has violated the Code and the sanctions that will be imposed; within 5 days of hearing.
5. An opportunity to be assisted by an advisor who is a member of the campus community.

Pertinent records, exhibits and written statements (including Student Impact Statements) may be accepted as information for consideration at the discretion of the Dean of Student Life and Wellness, or his or her designee. All

1. information, including witness statements, that an accused student wishes to present, must be obtained by the accused student and submitted 24 hours prior to the scheduled meeting.
2. An opportunity to challenge any decision makers due to bias or conflict of interest.
3. An opportunity to appeal to the Vice Chancellor of Enrollment and Student Life or designee, within 5 business days of the decision, based on one of the following grounds:
 - a. A procedural irregularity that affected the outcome;
 - b. The discovery of new evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; New evidence, in this instance does not include witness statements that should have been presented during the initial meeting.
 - c. The College investigator or decisionmaker had a conflict of interest or bias that affected the outcome;
 - d. The sanctions are grossly disproportionate to the severity of the offense.
4. The decision on appeal may uphold the decision, modify it, or remand the matter to the Hearing Officer or Hearing Panel for further factual development.
5. The Vice Chancellor for Enrollment Management and Student Life or designee shall inform the Parties of the decision in writing within 5 business days of the last Party's written submission or as soon as practicable thereafter.

Formal Resolution: Serious Non-Academic Violations with the Possibility of Expulsion or Suspension from the College

1. To have written notice of the violation(s) and an outline of these rights prior to an Administrative Hearing. If additional alleged violations are brought, a further written notice must be forwarded to the Respondent.
2. To request, review, and have reasonable continuing access to the Administrative File.

At the conclusion of the investigation and at least 7 business days before the Hearing, the Student Conduct Administrator shall remind the Parties of their right to review the Administrative File to the extent allowed by law.

3. Hearing Officer or Hearing Panel At least 3 business days before the Hearing date, the Student Conduct Administrator shall select a Hearing Officer or Hearing Panel and disclose the individuals' identities to the Parties.

A Party may challenge a Hearing Officer or Hearing Panelist for bias or any conflicts of interest with the potential to undermine the integrity of the disciplinary process. The Vice Chancellor for Enrollment Management and Student Life or a designee who is not a factfinder in the case shall promptly resolve the challenge and designate a substitute as appropriate.

Persons who serve as Hearing Officers or Hearing Panelists may not be the same individuals who investigated the alleged misconduct.

4. Hearing Procedures

The Hearing Officer or Hearing Panel may pose questions to the witnesses before affording the Parties an opportunity to ask questions.

The Hearing Officer or Chair of the Hearing Panel will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the Hearing and decision-making process. The Hearing Officer or Hearing Panel may, in its discretion, choose to call a Student Conduct Administrator for the purpose of explaining the investigation and findings.

The Hearing Officer or Hearing Panel must determine whether a proposed question is relevant and not otherwise impermissible prior to the question being posed, and must explain any decision to exclude a question as not relevant. If a decisionmaker determines that a Party's question is relevant and not otherwise impermissible, then the question must be asked except that no questions that are unclear or harassing of the Party being questioned will be permitted.

At the Hearing, the Parties may:

1. Make an opening and closing statement;
2. Present relevant evidence; and
3. Cross-examine adverse witnesses.

The Respondent (accused student) may waive the right to be present at a disciplinary proceeding by providing to the Student Conduct Administrator a signed waiver. The waiver shall be signed by the Respondent and the adjudicator. The Student Conduct Administrator shall provide one copy to the Respondent and place another copy in the Administrative File. If the Respondent waives the right to be present at a disciplinary proceeding, the Respondent shall not have the right to appeal the College's initial decision.

Hearings may be conducted through a live Hearing with the Parties physically present in the same geographic location. At the College's discretion or upon the request of either Party, it will conduct the live Hearing with the Parties physically present in separate locations with technology enabling the decisionmaker and Parties to simultaneously see and hear the Party or the witness while that person is speaking or communicating in another format.

The College shall create an audio, audiovisual, or transcript of the Hearing.

The Parties may pose relevant questions to witnesses under the following conditions:

1. In cases in which a Party is represented by an advisor, the advisor may pose questions to the witness directly.
2. In cases in which a Party is not represented by an advisor, the questions may be asked through the Hearing Officer or Hearing Panel. A Party may not, however, question a witness directly. The Party may tender an initial set of proposed questions prior to the Hearing and propose follow-up questions, including questions challenging credibility, that a Party wants asked of any Party or witness.
3. If a Party does not respond to questions related to their credibility, the decisionmaker must not rely on any statement of that Party that supports that Party's position. The decisionmaker must not draw an inference about whether misconduct occurred based solely on a Party's or witness's refusal to respond to questions related to their credibility.

5. Written Decision

As soon as

practicable after the Hearing, the Hearing Officer or Chair of the Hearing Panel shall simultaneously distribute to the Parties a written decision of the result that contains the following:

1. A description of the alleged Code violation;
2. Information about the policies and procedures the College used to evaluate the allegations;
3. The decisionmaker's evaluation of the relevant evidence and determination of whether a violation occurred;
4. When the decisionmaker finds that a violation occurred, any disciplinary sanctions the College will impose on the Respondent, and whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant and, to the extent appropriate, other Students identified by the College to be experiencing the effects of a violation;

The determination regarding responsibility becomes final either on the College providing the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

6. Appeals

A Party may appeal a decision or sanction by submitting a written statement to the Student Conduct Administrator within 25 calendar days of receiving the Hearing Officer or Hearing Panel's written decision.

The appeal shall be heard by the Vice Chancellor for Enrollment Management and Student Life or designee.

The appeal shall be decided based on the record and without deference to the decision of the Hearing Officer of Hearing Panel.

A Party may only appeal based on one of the following grounds:

1. A procedural irregularity that would change the determination of whether a Code violation occurred;
2. The discovery of new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether a Code violation occurred or dismissal was made;
3. A Student Conduct Administrator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome of the matter; or
4. The sanctions are grossly disproportionate to the severity of the offense.

The Student Conduct Administrator shall promptly notify the other Party of the appeal and provide a copy of the Party's written statement. The other Party may submit a written counterstatement within 5 business days thereafter.

The decision on appeal may uphold the decision, modify it, or remand the matter to the Hearing Officer or Hearing Panel for further factual development.

The Vice Chancellor for Enrollment Management and Student Life or designee shall inform the Parties of the decision in writing within 5 business days of the last Party's written submission or as soon as practicable thereafter.

The Parties may challenge the Vice Chancellor for Enrollment Management and Student Life's (or designee's) involvement for bias or a conflict of interest with the potential to undermine the integrity of the appellate process. The Chancellor may decide any such challenge and replace the administrator with an appropriate substitute.

Certification of Compliance

At the conclusion of the disciplinary proceedings, the Chancellor or Vice Chancellor of Student Affairs shall certify, on a form similar to Appendix E, that the substantial rights of the Complainant and Respondent as established in Act 470 of 2023 have been followed.

The certification shall be maintained in the Administrative File.

DISCIPLINARY SANCTIONS

1. Sanctions must be reasonable and proportionate to the seriousness of the violation. The Student Conduct Administrator must accurately advise the disciplinary body of sanctions that have been imposed for similar violations in the past in order to ensure consistency and equity across time.
2. A Student's conduct history shall not impact the finding of responsibility, but it may be used as information in determining appropriate sanctions.
3. Ordinarily, sanctions will not be imposed until the resolution of an appeal. However, if it is deemed necessary to protect the welfare of the victim or the College community, the Hearing Officer or Hearing Panel may recommend to the decisionmaker on appeal that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.
4. Any sanction imposed on a Respondent—including those based on a finding that sex-based harassment occurred—will take on the following forms:

Possible disciplinary sanctions include, but are not limited to:

- Verbal warning: A verbal notice that the Code has been violated and that future violations may incur further disciplinary action.
- Formal warning: A formal notice that the Code has been violated and that future violations will be dealt with more severely.
- Disciplinary probation: Implies that the individual's standing with the college is in jeopardy and that further negligent or willful violations will normally result in suspension or expulsion.
- Restitution: Compensation for loss, damage or injury to the appropriate party in the form of money, service or material replacement.
- Community Service: Performance of a specified number of hours or tasks designed to benefit the community and help the student understand why his or her behavior was inappropriate. This sanction will be fulfilled whether on or off campus. On-campus service will be in a designated department.
- Class or workshop attendance: Enrollment and completion of a class or workshop that could help the student understand why his or her behavior was inappropriate.
- Educational project: Completion of a project specifically designed to help the student understand why her or his behavior was inappropriate.
- Loss of specified privileges for a specified or indefinite period of time.
- Removal from specific courses or activities.
- Restriction from entering specific college areas and/or forms of contact with certain persons.
- Suspension; including terms for readmission: Separation from the college for a specified period of time or until certain conditions are met. An individual receiving this sanction must leave the campus upon receipt of the decision and may not enter the campus during his or her period of suspension. Students receiving a sanction that requires separation from the college are responsible for all charges incurred for the semester.
- Expulsion: Permanent separation from the college.

- Revocation of degree and withdrawal of diploma, if it is shown by a preponderance of evidence that it was obtained by any form of Academic Dishonesty.

The Dean of Student Life and Wellness or designee has the authority to place a hold or to request the Registrar or appropriate College Official to impose a hold on a student's account when a student fails to comply with the assigned Sanction(s). 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).

Student organizations and their officers and members, in their capacity as such, are subject to the same sanctions as other Respondents if a preponderance of the evidence shows actual participation in, or actual authorization or ratification of, a violation of the Code.

- In making this determination, the College shall consider whether the organization's members were acting in accord with the organization's practices and policies, or with the knowledge or approval of a substantial number of its members or leadership.
- The College may impose upon a Student organization any of the sanctions that apply to individuals (including a loss of privileges), suspension for a period of time, or a permanent loss of College recognition

CONFIDENTIALITY

1. When conducting an informal resolution process under this Code, implementing disciplinary proceedings, or requiring the Student Conduct Administrator to take other appropriate steps under this Code, the College must not disclose the identity of a Party, witness, or other participant except in the following circumstances:

- When the Party, witness, or other participant has provided prior written consent to disclose their identity;
- When permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, or its implementing regulations, NPRM 34 C.F.R. Part 99;
- As required by law; or
- To carry out the purposes of Title IX, including action taken to address conduct that may constitute sex discrimination under Title IX in the College's program or activity.

2. To protect the privacy of all Parties and in accordance with FERPA, the Hearing will be closed.

3. Educational records related to any aspect of discipline against a Student will not be released by the College without the Student's authorization. This prohibition does not apply to Students in possession of their own educational records. Only exceptions authorized under will be permitted. For instance, the College may release records:

- To comply with a judicial order or a lawfully issued subpoena;
- To inform the Complainant in a case involving allegations of a crime of violence or a non-forcible sex offense of the final results of a related disciplinary Hearing;
- To inform any third party, including other educational institutions, of the final results of a disciplinary proceeding related to a crime or violence or non-forcible sex offense if Respondent is found responsible;
- To address a health or safety emergency
- To any Student's parents:

- i If the parents claimed the Student as a dependent on their tax returns; or
- ii To inform the parents if the Student is found responsible for an offense related to drugs or alcohol and the Student is under the age of 21 at the time of the disclosure; or

4. For cases involving allegations of Sex-based Harassment under Title IX, the College shall keep confidential the identity of any Complainant, Respondent, and witness, except as permitted by FERPA, required by law, or necessary to conduct any investigation, Hearing, or judicial proceeding arising under the Title IX grievance process.

SUPPORTIVE MEASURES

The College may, at any time, provide one or more individualized services to a student that is non-disciplinary, nonpunitive, reasonably available, and without fee or charge to the student.

Any individualized services offered to a student shall be designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party. Any individualized service offered to a student may be designed to protect the safety of all involved Parties or the College's educational environment, which may include without limitation:

- Counseling
- Extension of deadlines or course-related adjustments;
- Campus escort services;
- Mutual restrictions on contact between the parties involved;
- Modification of class schedules;
- Increased security and monitoring of areas of the UAPTC campus;
- Other similar services.

Any party affected by a decision to provide, deny, modify, or terminate Supportive Measures may seek modification or reversal of the decision by appealing the matter in writing to the Vice Chancellor of Enrollment and Student Life or designee within 3 business days of the Student Conduct Administrator's decision.

The College will maintain as confidential any supportive measures provided to the Parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

EMERGENCY REMOVAL

The College may remove a student from its programs or activities on an emergency basis if a student's actions pose an immediate threat or danger to any member of the college community:

- i. Undertakes an individualized safety and risk analysis
- ii. Determines that an immediate threat or the safety of a student or another individual arising from the allegations of misconduct justified removal of the accused student; and
- iii. Provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.

EMERGENCY REMOVAL INTERIM HEARING

Within 24 hours of the emergency removal, the College shall provide written notice to the accused student that explains the College's reasons for removing the accused student on an emergency basis.

Within **3 business days** of the written notice, unless otherwise waived by the removed Student, the University shall convene an interim Hearing before a Student Conduct Administrator to determine whether there is substantial evidence that the removed Respondent poses a risk to the health or safety of any Student or other individual and that the emergency removal of the accused Student is appropriate to mitigate the risk.

At the review meeting, the Student Conduct Administrator will determine whether there is substantial evidence that the emergency removal of the Respondent is appropriate to mitigate the risk.

In the review meeting, the removed Student may be represented by an attorney or a non-attorney advocate who may Fully Participate to the same extent as in an Administrative Hearing.

At the Interim Hearing, the removed student may be represented by an attorney or a non-attorney advocate who may fully participate to the same extent as in a Hearing to determine responsibility.

An accused student's waiver of his or her right to be represented by an attorney or non-attorney advocate shall not constitute an admission of guilt or waive additional rights under the Code.

The decision of the interim Hearing is subject to appeal to the Vice Chancellor for Enrollment and Student Life or designee within 3 business days after the decision. The decision may remain in effect during the pendency of the appeal.

The emergency-removal decision shall remain in effect until a final decision has been made on the pending Complaint or until the Student Conduct Administrator determines that the reason for imposing the emergency-removal decision no longer exists. The decision shall be immediately withdrawn if the Respondent is found not responsible for the charged offense in a final, unappealable decision.

The emergency-removal decision shall remain in effect until a final decision has been made on the pending Complaint or until the Student Conduct Administrator determines that the reason for imposing the emergency-removal decision no longer exists. The decision shall be immediately withdrawn if the Respondent is found not responsible for the charged offense in a final, unappealable decision.

During emergency removal, a student may not enter campus or College property without the permission of the Dean of Student Life and Wellness. A UAPTC police escort is required for any student who is granted permission to be on campus.

Any student who is suspended and returns to campus and College property or otherwise violates the terms of the Emergency Removal shall be subject to further Student Conduct action and may be treated as a trespasser on College property.


INTERPRETATION AND REVISION

Any question of interpretation or application of the Code of Student Conduct shall be referred to the Dean of Student Life and Wellness or his or her designee for final determination.

The Code of Student Conduct shall be reviewed and revised under the direction of the Dean of Student Life and Wellness.

RELATED INFORMATION

20 U.S.C. § 1232g; 34 CFR Part 99, NPRM 34 C.F.R. § 45, NPRM 34 C.F.R. § 99, NPRM 34 C.F.R. § 106, NPRM 34 C.F.R. § 406, Ark. Const, amend. 98 § 6, Ark. Code Ann § 5-38-301, Ark. Code Ann § 5-73-119, Ark. Code Ann § 5-73-322, Ark. Code Ann § 6- 5-201, Ark. Code Ann § 6-5-202, Ark. Code Ann § 6-60-701, Ark. Code Ann § 6-60-705, Ark. Code Ann § 6-60-1403, Ark. Code Ann § 6-60-1404, Code Ann § 6-60-1405, Ark. Code Ann § 25-17-301

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s):	PTC Board of Trustees Michelle Anderson, Dean of Student Life and Wellness	1993 March 2024
Ratified by:	College Council	April 11, 2025
Recommended by Chancellor (Signature)		4/16/25
UA Policy Alignment:	USAP 525.1	