
Policy: Student Conduct and Discipline¹**Number: 02.15.01****Approval Date: June 23, 2015****Revision Dates:****Section: Student Affairs****Area:****Subject: Conduct and Discipline**

POLICY

Students are expected and required to obey federal, state, and local laws; to comply with University of Arkansas policies and regulations, university and college rules and regulations, with directives issued by university administrative officials, and to observe standards of conduct appropriate for an academic institution. Students who do not adhere to these requirements may be subject to disciplinary actions and commensurate penalties.

1. Conduct Subject to Disciplinary Actions

Students who engage in the following conduct may be subject to disciplinary actions, whether the conduct takes place on or off campus or whether civil or criminal penalties are also imposed for the conduct:

- **Violation of laws, regulations, policies, and directives** – Violation of federal, state, and federal laws, including laws and policies on HIPAA (Health Information Portability and Accountability Act); violation of University of Arkansas policies and regulations; non-compliance with university or college rules and regulations; non-compliance with directives issued by administrative officials acting in the course of their authorized duties
- **Scholastic dishonesty** – Cheating, plagiarism, collusion, submission for credit any work or materials that are attributable in whole or part to another person, taking an examination or submitting work or materials for another person, any act designed to give unfair advantage to a student, or the attempt to commit such acts (see Definition of Scholastic Dishonesty in the college catalog)
- **Drugs and Alcohol** – Illegal use, possession and/or sale of a drug or narcotic on campus or at education or clinical facilities affiliated with the university; use of alcohol in violation of university policy
- **Health or safety** – Conduct that endangers the health or safety or any person on campus, in any building or facility owned or controlled by the university, or any education or clinical facility affiliated with the university
- **Disruptions** – Acting singly or in concert with others to obstruct, disrupt, or interfere with any activities related to the university's responsibilities in teaching, education, healthcare, research, administration, service, or other activities authorized to be held or conducted on property owned by the university or affiliated with the university
- **Inciting lawless action** – Engaging in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action
- **Unauthorized use of property** – Engaging in unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the university or affiliated with the university
- **Hazing** – Hazing is prohibited by Arkansas Act 75 of 1983.

¹ Materials included in the policy were copied or adapted from: University of Texas Board of Regents Rules and Regulations, Model Policy for Student Conduct and Discipline, <http://www.utsystem.edu/board-of-regents/rules/50101-student-conduct-and-discipline>

- **Altering of official documents** – Altering official records; submitting false information; omitting requested information required for or related to application for admission or the award of a degree; falsifying clinical records
- **Vandalism** – Defacing, mutilating, destroying, or taking unauthorized possession of any property, equipment, supplies, or facilities owned or controlled by the university or clinical facilities affiliated with the university
- **Prohibited conduct** – Engaging in prohibited conduct that occurs while participating in off-campus activities sponsored by the university, including field trips, internships, rotations, or clinical assignments
- **Use of explosives** – Unauthorized use or possession of any type of explosive, firearm, imitation firearms, ammunition, hazardous substance, or weapon as defined by federal or state law while on campus or in facilities owned or controlled by the university or clinical facilities affiliated with the university

2. Disciplinary Process

When student conduct occurs that may be subject to disciplinary action, the faculty member will immediately notify the student of the suspected violation. In some instances, the faculty member may take immediate action appropriate to the circumstances. For example, when a student is observed to be cheating on an examination, the faculty member may stop the examination process for the student and retrieve the examination. Or when a student engages in disruptive behavior, the faculty member may order the student to leave the instructional space so that order can be restored.

The faculty member will also complete and submit to the Dean a Student Conduct and Discipline Report, signed by the department chair, within 2 days² after observing or discovering the conduct. A copy of the report will be sent to the student, as well. The report will summarize the conduct deemed to violate conduct and discipline standards along with pertinent details, e.g., time, place, other observers, etc. The Dean will forward the report to the Associate Dean for Academic Affairs (ADAA) who will investigate disciplinary complaints or charges.

3. Interim Disciplinary Action

Pending a hearing or other disposition of the complaints or charges against the student, the ADAA may take immediate interim disciplinary action deemed appropriate for the circumstances when such action is in the best interest of the university, patients and their families, other students, etc. Interim actions may include suspension and bar from the campus when it reasonably appears to the ADAA that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the institution.

4. Investigation and Administrative Disposition by the Associate Dean for Academic Affairs

Following the receipt of the Student Conduct and Discipline Report, the ADAA will send a written request to the student for a meeting for the purposes of investigating or discussing the complaints or charges. The written request will specify the place and time for the meeting no more than 5 days after the date of the written request. The request may be delivered by mail, email, or in person. Mail and email addresses used will be those in the records of the registrar. The student's refusal to accept delivery of the notice, failure to maintain a current address with the registrar, or failure to read mail or email will not be good cause for the failure to respond to a meeting request.

If the student fails to appear for the meeting without good cause, as determined by the ADAA, (1) the ADAA may bar or cancel the student's enrollment or otherwise alter the student's status until the student complies with the summons, or (2) determine the facts and assess penalties (see "Penalties," below), or

² For purposes of this policy, "days" refers to school days and excludes weekends and official university holidays.

(3) request that the Dean appoint a Conduct and Discipline Panel that will conduct a hearing to determine the facts and assess penalties.

4.1 Administrative Disposition by the Associate Dean for Academic Affairs

In any case where the accused student does not dispute the facts upon which the charges are based and agrees to the penalties the ADAA assesses, the student may execute a written waiver of the hearing procedures described under "Hearing Process," below. The administrative disposition will be final and there will be no subsequent proceedings regarding the charges.

In any case where the accused student does not dispute the facts upon which the charges are based, but does not agree with the penalties imposed by the ADAA, the student may execute a written waiver of the hearing procedures under "Hearing Process," below, yet retain the right to appeal the ADAA's decision on the issue of the penalty. The appeal will be to the Appeal and Grievance Committee.

4.2 Timeliness of Hearing

When interim disciplinary action has been taken by the ADAA, a hearing of the complaints or charges against the student will be held under the procedures described under "Hearing Process" (below). A hearing following interim disciplinary action will generally be held within 10 days after the interim action was taken. However, at the discretion of the Dean the 10-day period may be extended for a period not to exceed an additional 10 days.

5. Investigation and Hearing Process

In those cases in which the accused student disputes the facts upon which the charges were based, the charges will be heard and determined by a fair and impartial Conduct and Discipline Panel (CDP) appointed by the Dean. The CDP will consist of at least 3 faculty members outside of the student's department. The CDP may include faculty members outside the College of Health Professions. One member of the panel will be appointed as Chair of the CDP.

5.1 Notice of Hearing

Except in those cases where immediate interim disciplinary action has been taken, the student will be given at least 10 days written notice of the date, time, and place for the hearing and the CDP Chair's name and contact information. The notice will include a statement of the charges and a summary statement of the evidence supporting the charges. The notice will be delivered in person to the student or mailed by registered mail to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the mailing, excluding any intervening Sunday or holiday when mail is not delivered, regardless of whether the registered mail receipt is returned to the Dean's office. The date for a hearing may be postponed by the CDP Chair for good cause or by agreement of the student and the Dean.

5.2 Impartiality of the Conduct and Discipline Panel Chair

The student may challenge the impartiality of the CDP Chair. The challenge must be in writing, state the reasons for the challenge, and be submitted to the CDP Chair through the office of the Dean at least 3 days before the scheduled hearing. The CDP Chair will be the sole judge of whether he or she can serve with fairness and objectivity. In the event that the CDP Chair disqualifies himself or herself, a substitute will be appointed by the Dean.

5.3 Duties of the Conduct and Discipline Panel and Chair

The CDP Chair is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The CDP Chair will rule on all procedural

matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of university legal counsel.

Members of the CDP are responsible for carefully and fairly considering all evidence and testimony in light of the charges, questioning witnesses, and determining whether the student is responsible for the disciplinary violations as charged.

If the CDP determines that the student is responsible for the disciplinary violations, the CDP will assess a penalty or penalties specified in Section 6 below. While unanimity among members of the hearing panel is desirable, a majority that includes the CDP Chair may determine the student's responsibility and penalties.

The CDP Chair will notify the student and the Dean of the hearing panel's decisions. If the student does not appeal the penalties within 5 days, the CDP's decision is final and the Office of the Dean will take action to implement the decision.

5.4 Procedures during the Conduct and Discipline Hearing

Conduct and Hearing Participants – The conduct and discipline hearing provides for an objective hearing of all facts related to the charges and should include at a minimum the student and the ADAA in addition to the Conduct and Discipline Panel. The hearing is “closed” and confidential. Only individuals personally involved in the hearing are permitted to attend and participate, including CDP members, the student, ADAA, witnesses, and counsel, if desired. UAMS legal counsel may be available to provide advice on procedural and policy matters.

Witnesses – If called, witnesses will give only their testimony; witnesses may not be present in the hearing before or after their testimony is given. If the student and/or ADAA wish to call witnesses, they must inform the CDP Chair of the names of the witnesses and a brief written summary of their relevant testimony at least 3 business days before the hearing. The CDP Chair must inform each party of the witnesses that the other party plans to call at least 2 days before the hearing.

Procedures during the Hearing

- The CDP Chair will review the purposes of the hearing and procedures to be followed, and clarify the data-gathering and decision-making functions of the CDP. The CDP Chair will orally read the charges and summary of evidence submitted to the dean. Only the charges submitted to the Dean are discussed during the hearing.
- The student and the ADAA will present facts related to the charges. The CDP may question the student and ADAA. The student and ADAA may question each other, at the discretion of the CDP Chair.
- The CDP Chair calls witnesses as desired by the student and the ADAA, and the CDP may question the witnesses. The student and ADAA may question the witnesses at the discretion of the CDP Chair. At all times, it is the prerogative of the CDP Chair to monitor and control the extent and degree of questioning and terminate it as her/his judgment dictates.
- Counsel of choice, if requested by the student, may be present to advise and support the student. The student must inform the CDP Chair of the name of the counsel of choice, if one is desired, at least 3 business days before the hearing. The hearing is not intended to be adversarial in the sense of a court trial and, therefore, witnesses will not be “cross examined” as in a legal context. Counsel of choice may only confer with the student and will not be allowed to question witnesses or otherwise engage in discussion with the hearing officer, hearing panel, or other participants in the hearing.
- If the student's counsel of choice is an attorney, university counsel must also attend. The university's counsel will observe the proceedings and will not be allowed to question witnesses or otherwise engage in discussion with the hearing officer, hearing panel, or other participants in the hearing.
- When all testimony has been provided, all individuals except the CDP leave the hearing room. The CDP discusses the matters and may request additional information as deemed

appropriate and necessary. Although it is desirable to conclude conduct and discipline investigations expeditiously, the CDP may use as much time as necessary and reasonable to assess thoroughly and evaluate the charges and related facts. If the CDP's decision is delayed more than 5 days after the hearing, the CDP Chair will notify the dean, student, and ADAA of the delay.

- Following careful review of all information, the CDP will (1) determine the student's responsibility for the conduct and disciplinary violations and (2) assess penalties deemed appropriate by the CDP.
- The CDP Chair notifies the dean in writing of the hearing panel's decision within 5 business days of its final meeting. The notification should include at a minimum: (a) summary of charges brought against the student; (b) summary of the proceedings, e.g., participants, sources of information, number of meetings, etc.; (c) summary of facts related to the charges; (c) penalties assessed; and (d) rationale for the penalties.
- With the Dean's approval, the CDP Chair notifies the student, ADAA, and department chair of the decision.
- The facts determined by the CDP may not be appealed. However, the student or the ADAA may appeal the penalties within 5 days after notification (see Appeal, below).

6. Penalties

The following penalties may be assessed by the ADAA, as indicated in Section 4.1, or by the CDP after a hearing in accordance with the procedures specified in Section 5.4.

- Probation
- Withholding of grades, official transcript, and/or degree
- Bar against reinstatement or readmission
- Restitution or reimbursement for damage to or misappropriation of university property
- Suspension of rights and privileges, including participation in student, clinical, or extracurricular activities
- Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit
- Denial of degree
- Suspension from the institution for a specified period of time
- Expulsion, i.e., permanent separation from the university
- Revocation of degree and withdrawal of diploma
- Other penalty as deemed appropriate under the circumstances

7. Appeal

The facts determined by the CDP may not be appealed. However, the student may appeal penalties assessed by the ADAA or the CDP. The appeal must be submitted in writing within 5 days after being notified of the ADAA's or CDP's decision and must state the specific reasons for the appeal.

Procedures for the appeal hearing are the same as those for Academic Appeals (see Student Academic Appeal Procedures, Step 3), except when the student has been recommended for suspension of ten (10) or more days or expulsion (dismissal). In those instances:

- Counsel of choice, if requested by the student, may attend and fully participate in the disciplinary appeal proceeding as provided by Arkansas Act 1194. The student must inform the hearing officer of the name of the counsel of choice, if one is desired, at least 3 business days before the hearing.
- If the student's counsel of choice is an attorney, university counsel must also attend and may fully participate.

7.1 Disposition by the Dean

The hearing officer of the Appeal and Grievance Committee will notify the Dean of the hearing panel's recommendations regarding the penalties within 3 days of its final meeting on the appeal. The Dean may concur with, modify, or reject the hearing panel's recommendations. The Dean will notify the student, ADAA, and the student's department of the decision. The Dean's decision is final and may not be appealed.

8. Disciplinary Record

The College of Health Professions maintains a written disciplinary record for every student charged with a violation of conduct and discipline standards. A disciplinary record reflects the nature of the charge, the disposition of the charge, the penalties assessed, and any other pertinent information. The disciplinary record is treated as confidential, and is not be accessible to or used by anyone other than the Dean or university officials with legitimate educational interests, except under written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena. The record is maintained for at least 5 years unless university or other regulations require a different retention period.

APPROVAL

This policy was approved by the College of Health Professions Executive Committee on July 23, 2015.