



# 2024-25 STUDENT HANDBOOK

[ARKANSAS TECH UNIVERSITY]

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## VISION STATEMENT

Arkansas Tech University: where students succeed, innovation thrives, and communities flourish.

## MISSION OF THE UNIVERSITY

Arkansas Tech University is dedicated to student success, access, and excellence as a responsive campus community providing opportunities for progressive intellectual development and civic engagement. Embracing and expanding upon its technological traditions, Tech inspires and empowers members of the community to achieve their goals while striving for the betterment of Arkansas, the nation, and the world.

### Alma Mater

Alma Mater, Alma Mater,  
May we lift our eyes to thee,  
May thy glory and thy honor  
Be for'er our destiny.  
May the colors green and gold  
Our loyal hearts for'er enthrall,  
And thy mem'ry live forever  
In the hearts of us all.  
Alma Mater, Alma Mater,  
Cherished beacon of our youth,  
Radiant emblem, shining symbol,  
Guide that leads us on to truth.  
Down life's pathway beaming for us,  
Lead us ever by thy light;  
Should we falter, then restore us  
By thy spirit's glorious might.

### Fight Song

Fight on, Arkansas Tech,  
Fight on to victory!  
Breakthrough to run up the score,  
Conference Champions once more!  
Fight! Fight! Fight!  
We'll back you all the way,  
Cheering for triumph always!  
Go! Fight! Green and Gold,  
Wonder Boys, You're Number One!!!



## WELCOME FROM THE PRESIDENT

Dear Student,

Thank you for choosing Arkansas Tech University. Our administration, faculty and staff are dedicated to providing you with an excellent experience in the classroom and beyond. We are glad that you are here for our journey through the 2024-25 academic year.

This handbook is a resource that will help you succeed at ATU. In it, you will find guidelines and information that help us maintain an environment that is conducive to learning and success.

You are here first and foremost to receive an education that will improve your life moving forward, but I also encourage you to take advantage of the numerous opportunities for fun and personal development that exist on campus and in our community. This should be one of the best times of your life. Don't miss out. Get involved. You will be glad you did.

Welcome to ATU. Let's have a great year in 2024-25!

Sincerely,  
Dr. Russell Jones, President



## WELCOME FROM THE SGA PRESIDENT

Dear fellow students,

My name is Elli White, and I am honored to serve as your Student Government Association President for the 2024-25 academic year. Use this handbook as a tool for success during your time here as a student.

Take advantage of the many opportunities and resources that ATU has to offer. I firmly believe that there's a place for everyone here, so do not be afraid to get out of your comfort zone. College can be daunting to face, but it's also a time to explore your individuality and become the most authentic version of yourself.

You will face hardships in college, but that is okay. Everyone falls down, but picking yourself back up and moving forward is what really matters. Asking for help is a sign of strength, not a sign of weakness. There are many members of staff, faculty and fellow students that are here to assist you and wish to see you succeed.

If you have any questions, comments or concerns about ATU, please reach out to the Student Government Association! Our goal is to amplify the voices of ATU students, so please do not hesitate to contact us. You can direct message our Instagram @atusga or email us at [sga@atu.edu](mailto:sga@atu.edu). Our meetings are every Wednesday at noon in Doc Bryan 242, and we encourage students to attend!

I hope you enjoy your time at Arkansas Tech University. Welcome to the family.

Fight on,  
Elli White, President of Student Government Association

## DEPARTMENTS AND SERVICES

The services and programs described in the Student Handbook are provided to enhance student learning and personal development of all ATU students. Administrative responsibility for these services and programs is guided by the following administrative personnel:

### Academic Affairs

Dr. Adolfo Santos, Executive Vice President for Academic Affairs and Provost  
Ross Pendergraft Library and Technology Center, Suite 321  
(479) 968-0319  
[asantos@atu.edu](mailto:asantos@atu.edu)

### Administration and Finance

Vice President for Administration and Finance  
Ross Pendergraft Library and Technology Center, Suite 303  
(479) 968-0301

### Advancement

Jason Geiken, Vice President for Advancement & Executive Director of the ATU Foundation  
715 North El Paso Avenue  
(479) 968-0400  
[jgeiken@atu.edu](mailto:jgeiken@atu.edu)

### Athletics

Abby Davis, Athletic Director  
Tucker Coliseum  
(479) 968-0345  
[adavis@atu.edu](mailto:adavis@atu.edu)

### Student Affairs

Dr. Keegan Nichols, Vice President for Student Affairs  
Doc Bryan Student Services Center, Room 202  
(479) 968-0238  
[knichols@atu.edu](mailto:knichols@atu.edu)

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### Alumni Association

Alumni House  
1313 North Arkansas Avenue  
(479) 968-0242  
[www.atualumni.com](http://www.atualumni.com)  
Caroline Kitchens, Director of Alumni Relations, [ckitchens@atu.edu](mailto:ckitchens@atu.edu)

The purpose of the Arkansas Tech University Alumni Association is to promote the University and higher education while fostering the relationships formed during the college years. All graduates and former students of Arkansas Tech are considered members of the association.

The Alumni Office plans and promotes various events throughout the year to bring Arkansas Tech to our alumni. One of the most time-honored traditions every year is Homecoming. There are also student organizations housed in the Alumni Office which allow students to learn more about Arkansas Tech while interacting with alumni, including Presidential Leadership Cabinet and Tradition Keepers. Each year ATU students leave their mark by paying forward for future Tech students and making a gift to the ATU Foundation. Pacesetters make a gift that represents their class year. For more information about this and more visit [www.atualumni.com](http://www.atualumni.com).



## **Affirmative Action**

Human Resources

Brown Building, Suite 420

(479) 968-0396

Melissa Riffle, Director of Human Resources, AA/EEO Officer, [mriffle@atu.edu](mailto:mriffle@atu.edu)

<http://www.atu.edu/affaction/>

The mission of the Arkansas Tech University Affirmative Action Office is to provide guidance and support for Arkansas Tech University's efforts to achieve an education and work environment that is in compliance with both state and federal law and that is diverse in race, ethnicity, interests, and abilities. The Affirmative Action Officer will monitor implementation of equal opportunity, affirmative action, sexual harassment, and non-discrimination policies through compliance activities.

Arkansas Tech University will continually monitor and evaluate its employment practices to ensure that they are free of bias or discrimination based upon race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Additionally, Arkansas Tech University will, through its strategic plans and other campus initiatives, develop and implement specific and result-oriented procedures to apply every good faith effort to achieve prompt and full utilization of minorities, women, those with disabilities or veterans at all levels and all segments of its workforce.

Responsibility for implementation and compliance with this policy has been delegated to the Director of Human Resources and Affirmative Action Officer, Ms. Melissa Riffle, who can be reached by emailing [mriffle@atu.edu](mailto:mriffle@atu.edu) or by calling (479) 968-0396.

## **Bookstore**

Textbook Brokers Russellville

Doc Bryan Student Services Center

(479) 498-2665

<https://theatubookstore.com>

Textbook Brokers Russellville provides course materials for sale and rent, school supplies, Tech apparel, and gifts.

## **Campus Life and Student Union**

Doc Bryan Student Services Center, Suite 233

(479) 968-0276

Chelsea Neal, Associate Dean for Campus Life and the Student Union, [cneal14@atu.edu](mailto:cneal14@atu.edu)

<http://www.atu.edu/campuslife>; [campuslife@atu.edu](mailto:campuslife@atu.edu)

<http://www.atu.edu/studentunion>; [studentunion@atu.edu](mailto:studentunion@atu.edu)

While academic achievement leading to graduation is the reason for attending Arkansas Tech University, the experiences that students have outside the classroom prove to have a lifelong impact. Experiences offered through Student Affairs enhance maturity, leadership, time management, friendship, career development, and civic engagement along with many other essential life skills. Specifically Student Affairs offers programs, experiences and services in the following areas:

### **Campus Recreation**

Campus Recreation provides participation opportunities in a variety of sport, fitness, and recreational events that help stimulate student learning and personal development while enhancing the quality of life for Arkansas Tech students. Students have the opportunity to participate individually or as part of a team in events such as flag football, softball, soccer, ultimate frisbee, bowling, sand volleyball, and more through our comprehensive Intramural Sports program. Our Fitness program provides opportunities for all students regardless of ability, in our Yoga, Zumba, and Cardio Hip Hop classes led by certified instructors.

For more information, please visit: [www.atu.edu/campusrecreation](http://www.atu.edu/campusrecreation)

### **Events Management**

The Office of Events Management offers a centralized office to both external and internal users. The primary function of the office is to serve as the point of contact for all departments, groups, and individuals, who are interested in reserving the use of facilities on the Arkansas Tech campus.

For more information, please visit: [www.atu.edu/events](http://www.atu.edu/events)

### **Fraternity and Sorority Life (FSL)**

The FSL community at Arkansas Tech University has enhanced the lives of thousands of men and women. By emphasizing academic excellence, active participation in community service and philanthropic activities, ongoing leadership development, and social excellence, fraternities and sororities are an integral and productive part of the Arkansas Tech community. The Office of FSL provides guidance and support for the Interfraternity Council, the College Panhellenic Council, National Pan-Hellenic Council, Greek Programming Board, and the Order of Omega Honor Society.

For more information, please visit: [www.atu.edu/fsl](http://www.atu.edu/fsl)

### **Homecoming**

Homecoming is an annual week of events leading up to the Homecoming football game. This is an opportunity for students to show their school spirit and support Tech Athletics at fun events throughout campus. Events include pep rallies, Registered Student Organization competitions, Tech's Got Talent, Party at the Tower, and the annual crowning of the Homecoming Queen.

For more information, please visit: [www.atu.edu/homecoming](http://www.atu.edu/homecoming)

### **Leadership Programs**

Campus Life offers a variety of leadership programs designed to prepare students to take on leadership roles on campus and beyond graduation. These programs range from one-hour workshops, and one-day conferences to a six-week group leadership series. Be sure to check out our roundtable discussions with local leaders from a variety of fields over a free lunch.

For more information, please visit: [https://www.atu.edu/leadership\\_programs/index.php](https://www.atu.edu/leadership_programs/index.php)

### **Freshman Leadership Experience**

Freshman Leadership Experience serves as the starting point for students seeking to gain and increase their leadership skill set. Open to a select group of incoming freshmen, this program will actively engage students in a variety of leadership experiences that will create an advantage during their first month on campus.

### **Student Transition**

#### **TECHConnect**

A four-day program, held just before classes begin in August, where students become more familiar with campus, learn about involvement opportunities and meet other new students while connecting with current student leaders.

#### **TECHConnect: Transfer**

A one-day program, held just before classes begin in August, designed for the unique needs of transfer students. This program will leverage the previous college knowledge that transfer students bring while highlighting the unique experiences and opportunities that TECH has to offer.

For more information, please visit: [www.atu.edu/orientation/](http://www.atu.edu/orientation/)

### **Student Union Operations**

The Hull Hall Student Union serves as the living room of campus. This dynamic space is the hub for activity on campus serving as the home for a variety of programs and student activities hosted by departments across campus.

For more information, please visit: [www.atu.edu/studentunion](http://www.atu.edu/studentunion)

### **Commuter Services**

Commuter Student Services is committed to providing support services to help facilitate commuter student success and foster a connection to the Arkansas Tech University community. Whether you live around the block or an hour away, we are committed to helping you connect with the Tech community and get engaged on campus! The Commuter Lounge, located on the 2nd floor of Doc Bryan, is a great place to take a break between classes or meet up with some friends for a study break. It features day-use lockers (just bring your own lock), a microwave and refrigerator, comfortable chairs for relaxing with friends and computers along with a TV with cable.

For more information, please visit: [www.atu.edu/campuslife/commuter](http://www.atu.edu/campuslife/commuter)

### **First-Generation Student Services**

Almost one-third of the Arkansas Tech student body is the first in their family to attend college. While being the first to do anything can be a bit scary, going off to college is also a major life milestone. Being a first-generation student is a very proud accomplishment! We recognize that students will face unique experiences as they begin this exciting journey and there are many resources here at Arkansas Tech that can help student connect and thrive on campus. There are many ways to define the term "first-generation." At Arkansas Tech University we define first-generation students as those whose parents or legal guardian did not graduate from a four-year institution. First-generation students may be the very first person in their families to attend a four-year university, or they may have older siblings who have attended college. Thousands of students at Arkansas Tech consider themselves first-generation students.

For more information, please visit: [www.atu.edu/firstgen/](http://www.atu.edu/firstgen/)

### **Outdoor Recreation**

Outdoor Recreation provides students the opportunity to engage in the many natural resources that the River Valley and Arkansas have to offer. At no charge, students can reserve and check out high quality mountain bikes, kayaks, canoes, road bikes, tents, and hammocks. Additionally, a bike repair shop is available for students. Outdoor Recreation also offers a variety of excursions throughout each semester that include rock climbing, zip lining, rafting trips, canoe trips, paintball, and hiking trips. Students can also find a growing selection of Club Sports sponsored by Outdoor Recreation.

For more information, please visit: [www.atu.edu/outdoorrecreation](http://www.atu.edu/outdoorrecreation)

### **Registered Student Organizations**

Arkansas Tech has over 100 Registered Student Organizations. These organizations are run by students who produce their own programming and initiatives to fulfill their individual purposes. This is an opportunity for students to apply what they have learned in the classroom to real world experiences. theLink website provides students an opportunity to review and explore each active Registered Student Organizations on campus.

For more information, please visit: <https://atu.presence.io/>

### **Civic Engagement**

Civic engagement is defined as making a difference in the life of our communities and developing the necessary knowledge, skills, values, and motivation to make that difference. We want our students to learn how to cultivate a higher quality of life in their community through both political and non-political avenues. This office creates programs that empower our students to take action and create positive changes within their current and future communities.

#### **Community Engagement**

We offer multiple service opportunities throughout each semester. These include Green & Gold Give Back, monthly Action Days, Alternative Spring Break, and the \$100 Solution. Each of these programs is designed to get you connected with the community to make a difference.

#### **Political Engagement**

Political engagement is just as important as non-political activities when working towards a positive change. Each academic year, the Office of Civic Engagement offers voter registration drives to help students prepare for voting, along with political and social justice educational workshops. These programs help students understand how policies are created and how these systems work together to effect change.

For more information, please visit: [www.atu.edu/service/](http://www.atu.edu/service/)

### **Spirit Squads**

The University has two Spirit Squads: Tech Cheer and the ATU Dance Team. The Tech Cheer squad is composed of up to twenty-five members. The ATU Dance Team is composed of up to fourteen members. The squads are selected each spring to serve for the following academic year. Tech Cheer participates in all home and selected away football, basketball, and volleyball games. The ATU Dance Team participates and performs at all home football and basketball games. Both squads participate in pep rallies throughout the year as well as campus and community related events.

For more information, please visit: [www.atu.edu/spirit](http://www.atu.edu/spirit)

### **Student Activities**

Fully engaging students in their college experience requires not only academic experiences but also a diverse offering of activities and programs that meet their social and personal needs of students.

Student Activities meets these needs by providing various events throughout the year to include comedians, movies, dances, educational speakers, spirit programs, and many more! There are also numerous leadership opportunities available through the Student Activities Board.

For more information, please visit: <https://www.atu.edu/sab/>

### **CARE Team**

The CARE Team is a multidisciplinary proactive campus threat assessment and behavioral intervention team dedicated to improving campus safety through a coordinated, objective approach to prevention, identification, assessment, intervention, and management of situations that may pose a threat to the safety and well-being of individuals and the university community. While threat assessment is a crucial component, the CARE Team also focuses on student success and retention by following up with referrals and connecting individuals to appropriate resources.

The primary work of the CARE Team (Campus Assessment, Response, and Evaluation Team) is to collect and assess all reports of threats or other alarming behaviors by any student or employee as well as others who might impact the safety or well-being of the university community. By gathering information about individuals of concern, assessing the information in a systematic manner, determining the most effective response, implementing a plan to address the concern, and monitoring the effectiveness of the response, the team seeks to prevent disruptive or harmful incidents. Central to this process is enhancing and connecting campus communication to effectively detect patterns of behavior that in isolation might seem insignificant but when viewed in totality signal a more serious problem. By modeling effective behavioral intervention practices, this proactive approach seeks to address concerning behaviors before situations become critical.

To make a report to the CARE Team, please complete the reporting form located here:

[https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=1).

For more information on the CARE Team and all Jerry Cares educational initiatives, please visit

<https://www.atu.edu/jerrycares/>.

### **Center for Academic Advising and Career Development**

Rothwell Building, Suite 107

(479) 964-0843

Marika Lederman, Associate Dean for Academic Advising and Career Services, [mlederman@atu.edu](mailto:mlederman@atu.edu)

<https://www.atu.edu/aacd>

The Center for Academic Advising and Career Development, which encompasses the Sturgis Academic Advising Center and Norman Career Services, is committed to empowering students to develop the insights, experiences, and connections to forge meaningful academic and careers pathways.

*Sturgis Academic Advising Center* (<http://www.atu.edu/advising/>)

The Sturgis Academic Advising Center (AAC) within the Center for Academic Advising and Career Development provides academic and career advising to all first-time entering freshmen. Professional academic and career advisors in the AAC continue to advise freshmen (excluding Professional Studies and Associates seeking only students) into the semester they will earn approximately sixty (60) credit hours. Academic and career advisors also meet with newly admitted transfer and returning students who have earned less than 50 credit hours or who need additional guidance in selecting a major. All newly admitted transfer and returning students who have earned more than 60 hours are advised through the academic department of their major. Students seeking only an associate degree are advised by the appropriate

academic department after their first advising appointment with the AAC. Students seeking only the Associate of Arts in General Education continue to be advised by the AAC. Students are required to meet with an advisor each semester to select classes for the upcoming semester. Advisors also serve as a resource for students who want to know more about a particular major or are having difficulty with a class. Staff in the Center are here to be a resource for students and the campus community.

*Norman Career Services* (<https://www.atu.edu/career/index.php>)

Norman Career Services plays an integral role in undergraduate, graduate and alumni experience at Arkansas Tech University by helping students make the transition from college to career. We support students in career development by helping them discover their strengths through completing self-assessments, selecting a major, outlining a career path, and gaining professional experience. We offer one-on-one career coaching sessions to provide personalized support to students. In addition, we offer tailored presentations, resume and cover letter workshops, career fairs, and networking opportunities for students to engage with employers. Leveraging programs such as Handshake and Big Interview, we provide students with tools and technology to explore job opportunities, internships, and upcoming career-related events. Through collaboration with faculty, staff, and employers, we are able to offer valuable career insights in a variety of disciplines and majors at the undergraduate and graduate levels.

Log in to Handshake today and kick off your campus to career journey. Handshake is our online platform for college recruiting/job search and student professional development. Go to <https://atu.joinhandshake.com/login>. Use your OneTech credentials and activate your account.

## **Counseling Services**

Health and Wellness Center, Doc Bryan Student Services Center, Suite 119

(479) 968-0329

Kristy Davis, LPC-S, Associate Dean for Student Wellness/Health and Wellness Center Director, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)

<http://www.atu.edu/hwc/counseling>

ATU Counseling Services is dedicated to providing the highest quality preventative education and confidential counseling services for students. We aim to remove barriers to academic success and promote the holistic well-being of the campus community.

Individual, group, and couples counseling services are provided to students depending on their needs as assessed by the counselor. Professional counseling services are provided to students at no charge. Counseling Services offers short-term, intermittent therapy. Short-term counseling is a good option when you have specific concerns that can be addressed in a few sessions. This might be personal concerns such as stress, anxiety, mild to moderate depression, anger, loneliness, relationship concerns, identity concerns, adjustment to college and life transitions. If a student needs further counseling beyond the scope of ATU Counseling Services, a referral to a local counselor will be provided. Counseling and/or assessment received outside of ATU Counseling Services will be at the expense of the student.

All communications between the counselor and client, including counseling records, are confidential and are not released without the signed consent of the client. Counseling records are not part of the University record and no one outside Counseling Services has access to these records. There are some exceptions to confidentiality which will be explained during the first counseling session. It is preferred that students seek services by scheduling an appointment with a counselor.

Appointments can be scheduled by calling (479) 968-0329. The HWC Administrative Assistant will collaborate with the student to schedule the appointment at a time that coordinates both with the student and counselor schedule.

Counseling Services is located in the Health and Wellness Center in the Doc Bryan Student Services Center, Suite 119. Office hours are Monday-Friday, 8 a.m. – 5 p.m., twelve months per year excluding official University holidays. The University community may contact the office by calling (479) 968-0329.

## Computer Assistance, Campus Support Center, Office of Information Systems

Ross Pendergraft Library and Technology Center (RPL), Room 150

(479) 968-0646

[campussupport@atu.edu](mailto:campussupport@atu.edu)

*Note: If you have any questions about the material in the resource guide below, please contact the Campus Support Center.*

### Computer Labs

There are a total of forty-one computer labs available on campus that serve various purposes, including ATU classes, general open-use for students, and summer camps and conferences. Additionally, designated student-only labs are in the Ross Pendergraft Library and Technology Center. Users must log in with an active user account and password to access the computers in these labs.

### Lab Descriptions

The lab computer platforms at our university campus include Windows PC and Mac Computers. Each lab has a capacity ranging from 12 to 48 workstations and is typically located in academic buildings. For further details on the available locations, platforms, and software, please visit our website at <https://ois.atu.edu/computer-labs/>.

### Printing

All computer labs provide black-and-white laser printing services, with color laser printing available at the Ross Pendergraft Library and Technology Center. Some specialty labs also offer color printing. Students receive an initial \$20 printing credit at the start of each semester. They can add more funds to their account at the Circulation Desk at the Ross Pendergraft Library and Technology Center.

### Software

Arkansas Tech University offers a range of software titles in its academic computer labs, classrooms, and virtual desktops. For an up-to-date list of available software, please visit our website at <https://ois.atu.edu/software/>.

### Computer Use Policies

For comprehensive information on Arkansas Tech's computer use policies, guidelines, and other resources related to computing, please visit <https://support.atu.edu>.

### Internet Access

#### Campus Wireless

Arkansas Tech University Wireless (ATU-Wireless) is a network intended for students, faculty, and staff who use wireless-enabled laptop computers, smartphones, or similar devices. ATU-Wireless offers access to on-campus computing resources as well as the Internet.

#### ResNet Wireless

The Arkansas Tech University Resident Network (ResNet) is a service designed specifically for university residence hall students. The ResNet Wireless Service is available in various areas within the housing facilities, including individual rooms and lounges.

For more detailed information, such as the specific network IDs for each building and instructions on connecting to the network, please visit <https://atu.io/resnetconnect>. To check the status of the ResNet network, please visit <https://atu.io/resnetstatus>.

#### ResNet Wired

Most residence halls at our university provide wired ports for Internet access, except for Caraway and Hughes halls. To connect to a wired ResNet port, devices must be registered beforehand. Depending on the specific residence hall, these ports may be located on the wall or at the bottom of the in-room wireless unit. Users of ResNet are responsible for all network activity that originates from their connections, such as email, web browsing, file transfers, and connections to other devices.

For further information on registering devices and connecting to ResNet, please visit <https://atu.io/resnetconnect>. To check the current ResNet Network Status, please visit <https://atu.io/resnetstatus>.

### Computer Assistance

For computer-related assistance, visit the Campus Support Center in RPL 150. The Center is open Monday to Thursday from 7 am to 10 pm, Friday from 7 am to 7 pm, and Saturday and Sunday from 2 pm to 6 pm. Please be aware that the Center is



closed on holidays and during campus closures, and hours of operation may change.

Requests sent via email or the support portal between 10 pm and 7 am will be addressed during regular business hours. For self-help solutions, visit <https://support.atu.edu>. Contact the Campus Support Center at (479) 968-0646 or (866) 400-8022, or email [campussupport@atu.edu](mailto:campussupport@atu.edu). Online students can find valuable information at <http://www.atu.edu/etech>.

### **Duo Multi-Factor Authentication**

Arkansas Tech University has implemented multi-factor authentication (MFA) to enhance the security of our network and information systems. As a student, you are required to enroll in Duo MFA. For detailed instructions on how to set up Duo, please visit <https://atu.io/duohelp> or contact the Campus Support Center at (479) 968-0646.

## **Disability Services**

Doc Bryan Student Services Center, Suite 141

(479) 968-0302

Ashlee Leavell, Assistant Dean for Student Wellness, [sleavell8@atu.edu](mailto:sleavell8@atu.edu)

TTY: (479) 964-3290

[disabilities@atu.edu](mailto:disabilities@atu.edu)

<http://www.atu.edu/disabilities>

Arkansas Tech University is committed to providing equal opportunities for higher education to academically qualified individuals with disabilities. Tech is subject to and endorses both the ADA Amendments Act of 2008 and Section 504 of the Rehabilitation Act of 1973.

Students who request accommodations should submit information describing their disability, their past use of accommodations, and the likely impact of the disability on their educational experiences to Disability Services. Types of helpful documentation supportive of such requests include medical records, psycho-educational testing reports, and school records. If students do not have this documentation readily available, they are encouraged to meet with a Disability Services staff member to discuss other ways to demonstrate a connection between their condition and any academic barriers they anticipate in the University environment.

The Office of Disability Services will consider all forms of documentation including student self-report, observation and interaction with the student, and external information from outside sources such as professionals who have diagnosed or treated the condition. External information can be a valuable tool for helping the Disability Services staff member understand the student's barriers, identify strategies for success, and assign reasonable accommodations which facilitate access.

Students seeking disability services should follow these steps accordingly:

**Step 1.** Complete the online application available at [www.atu.edu/disabilities/index.php](http://www.atu.edu/disabilities/index.php). An alternate format of this application is available upon request.

**Step 2.** Schedule an appointment with the Disability Services Office in order to discuss the impact of your disability on your educational experience and develop an accommodation plan.

**Step 3.** Students who are eligible for accommodations will receive a Notice of Eligibility via their One Tech email account outlining the adjustments for which they are approved. Upon receipt of this notification, students may log in to the student portal and request accommodations specific to their courses. Notification of Accommodation letters will be emailed to their instructors via One Tech email.

Students are encouraged to make arrangements to meet privately with faculty to ensure the notification is acknowledged and that both parties understand the approved accommodations. Students may be asked to share how their disability impacts their ability to participate in academic programs and activities and should be prepared to discuss this information. In no instance is a student required to reveal the nature of their disability or provide documentation of their disability to anyone other than the Office of Disability Services.

Most adjustments are available for the duration of the student's academic career. Students must renew their accommodations via the AIM student portal at the beginning of each semester.

## Financial Aid

Brown Hall, Suite 206

(479) 968-0399

Heather Taylor, Director

[fa.help@atu.edu](mailto:fa.help@atu.edu)

<http://www.atu.edu/finaid>

The University provides financial aid for students in the form of employment, scholarships, loans, and grants. Students who need financial assistance should contact the Student Financial Aid Office. Tech participates in current federal assistance programs, except the federal Teach Grant. Information and application forms are available from the Financial Aid Office.

To be eligible for student financial aid from federally funded programs, a student must be in good standing and making satisfactory progress.

The Arkansas Tech University academic policy for students receiving financial aid may be found below or at

<https://www.atu.edu/finaid/SAP.php>

### Policy

The Satisfactory Academic Policy applies to funds received through Federal Pell Grant, Federal Supplemental Educational Opportunity Grant (SEOG), Federal Work Study, Federal Subsidized Direct Loan, Federal Unsubsidized Direct Loan, and the Federal Direct PLUS loan programs.

This policy will be applied automatically without favor or prejudice. All federal aid recipients' progress will be reviewed annually at the end of each spring semester and upon receiving each new financial aid application. Progress will also be reviewed after a semester with grades of all F, academic suspension, and full withdrawal. All recipients in certificate or clock hour programs are reviewed at the end of each semester, upon the receipt of each new financial aid application, and upon a student's full withdrawal from a semester.

### Pace

Both graduate and undergraduate students are required to pass 67% of all attempted hours, this is called pace. Pace is calculated as shown:  $\text{Hours passed} / \text{hours attempted} = 67\%$  or greater. NOTE: Accepted transfer hours are counted as both attempted and passed and are considered in this calculation.

Incomplete, repeat, withdrawn, non-credit, and audit classes are counted as hours attempted but do not increase hours passed. For repeated courses, only the grade from the best attempt is calculated into a student's cumulative grade point while all grades and all attempts are recorded on the student's academic record. Students may not repeat a course in which the highest grade possible has already been earned. For Pass/Fail (No Credit) hours, only passed hours are counted as both attempted and passed. Classes for which a student receives no credit, can cause a student to violate the pace section of the policy.

Federal financial aid will pay for only one repeat of a class where a grade of D or better has been earned. If an incomplete grade is not replaced by a passing letter grade by the end of the next regular semester it will become a grade of F and will be considered in the next regular determination of policy progress.

Hours taken during high school (concurrent classes) will be counted on the basis of attempted hours and cumulative GPA.

### Required Grade Point Average

#### First Undergraduate Degree

All students must have a minimum cumulative grade point average of 2.0 at the end of their fourth and all subsequent undergraduate semesters or "equivalent transfer semesters." (Transfer students will be assigned "equivalent transfer semesters" based on the number of hours accepted by the Registrar's Office.) Adjustments to a student's official cumulative grade point are not made for courses transferred from other colleges or universities.

Certificate and clock hour students must have a cumulative GPA of at least a 2.0 at the end of their second and all subsequent semesters.

#### Subsequent Undergraduate Credentials or Teacher Certification

Students must maintain a 2.0 cumulative GPA.



Any student who fails to meet the required 2.0 GPA will be reinstated once the required GPA is met. However, financial aid will not be paid retroactively for any aid lost because of this requirement.

It is the student's responsibility to notify the Financial Aid Office when they have increased their GPA.

### **Graduate Degree - GPA**

Students must maintain a 3.0 cumulative GPA.

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No appeal will be granted for anyone in violation of the required cumulative GPA.

### **Maximum Time to Degree**

A student must receive a bachelor's degree by the end of 180 attempted credit hours, an associate's degree by the end of 90 attempted credit hours, and a certificate by the end of 45 attempted credit hours. Allowances will be made for semesters involving required remedial course work and programs requiring additional hours. Clock hour students must complete their program by the end of 150% of the published length of the program.

A graduate degree must be completed by the end of 54 attempted hours. Students seeking only a graduate certificate must earn the certificate within 23 attempted hours.

All semesters attended will be counted whether a student received financial aid during the semester or not.

### **Subsequent Credentials or Teacher Certification**

Any subsequent associate's degree must be completed by the end of 45 additional attempted hours. Any subsequent bachelor's degree must be completed by the end of 70 additional attempted hours. Graduate students must have any subsequent graduate degrees completed within 54 additional attempted hours.

### **Institutional Academic Suspension**

Any student whose name appears on the institutional suspension list will not be eligible to receive aid for their next period of enrollment, even if they re-enroll with the approval of the appropriate college dean.

It is the student's responsibility to notify the Financial Aid Office when they are no longer on the suspension list.

### **Academic Clemency**

Students granted academic clemency will have **all semesters attended** counted on the basis of attempted hours and will have a "financial aid GPA" based on all hours completed. Students will not receive aid until their financial aid GPA reaches at least a 2.0.

### **Changing Majors**

When a student changes majors they are required to continue meeting all sections of this policy. If the major change causes the student to exceed the maximum number of hours attempted, they may appeal. The cumulative grade point average will still be considered as the student's grade point.

### **Withdrawals/All F Grades**

Federal regulations require a calculation to determine how much aid, if any, must be returned to the federal programs when a student withdraws or receives grades of all F. Academic progress will also be calculated on any student who receives grades of all F for any term.

Students who must repay funds will be notified by the Financial Aid Office of the amount within forty-five days of grades posting.

### **Appeal**

Any appeal of this policy must follow the instructions on the appeal form and be submitted to the Financial Aid Office as directed on the form. If applicable, attach any relevant documentation to the appeal. The appeal must be submitted prior to the deadlines listed below in order to be processed before the beginning of the term. A maximum of 2 appeals may be submitted. A student must attend without financial aid for a period of one academic year to be eligible to appeal for a third time.

**DEADLINE FOR APPEAL: FALL—JULY 27; SPRING—JANUARY 2**

The appeal decision is final and will be communicated via your official ATU email address.

Students granted a successful appeal will be placed on an academic plan which will be monitored each semester throughout the course of the plan. Individual students will be reviewed within the semester if notification of a grade change is received by the Financial Aid Office.

Financial aid will not be paid retroactively for any semester's lost eligibility.

**Academic Scholarship Appeals & Deferments**

A student who fails to retain his or her academic scholarship due to extreme extenuating circumstances may appeal for a reinstatement. Students may also appeal for a deferment due to military service, medical conditions, and internships. A letter containing details of the circumstances and supporting documentation should be mailed to Alisa Waniewski, Associate Director for Academic Scholarships, Office of Admissions, Brown Hall, Suite 104, Russellville, AR 72801. The letter should also contain the student's ID number and return mailing address. The student will receive a letter containing the Institutional Scholarship Appeals Committee's decision. Please note that this process only applies to ACADEMIC scholarships awarded by the Office of Admissions.

Questions regarding other scholarships should be directed to the following offices:

- Freshmen Academic Scholarships & Transfer Scholarships, Alisa Waniewski, Associate Director for Academic Scholarships, Admissions Office, [scholarships@atu.edu](mailto:scholarships@atu.edu), <https://www.atu.edu/scholarships/renewal.php>
- Foundation Scholarships - Office of Advancement, <https://www.atu.edu/scholarships/contact.php>
- Athletic Scholarships - Appropriate athletic coach
- Arkansas Academic Challenge (Lottery) Scholarship - Arkansas Department of Higher Education, <https://sams.adhe.edu>

**Health and Wellness Center**

Doc Bryan Student Services Center, Suite 119  
(479) 968-0329

Kristy Davis, LPC-S, Associate Dean for Student Wellness/Health and Wellness Center Director, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)  
[hwc@atu.edu](mailto:hwc@atu.edu)  
<http://www.atu.edu/hwc/>

All current Arkansas Tech University students are eligible to use the services of the Health and Wellness Center (HWC). The HWC does not intend to replace the student's primary care physician, but to provide the services necessary to maintain and restore the student's health. Services provided are designed to help students maintain their health through education and prevention and to restore their health when necessary by treatment of illness, injury, or stress.

The HWC is staffed by Advanced Practice Nurses (APRN's), Registered Nurses, Licensed Professional Counselors (LPC's and LAC's), and an Administrative Assistant. The hours of operation are 8 a.m. to 5 p.m. Monday-Friday. The HWC provides confidential information and services. The nursing staff treats minor injuries and illnesses, dispenses limited nonprescription medication, provides health education, and provides prescriptions as necessary. If the nursing staff is unable to treat a student, a referral to a local healthcare provider is arranged. The counseling staff provides individual, couples, and group counseling (see Counseling Services for more information). There is no additional charge beyond the health services fee for many services within the HWC. A list of additional charges (including all lab services) can be provided at the HWC.

Charges from outside health care providers and pharmacies are not covered by the HWC; therefore, students are encouraged to purchase health insurance.

## Intercollegiate Athletics

Tucker Coliseum

(479) 968-0345

Abby Davis, Athletic Director, [adavis@atu.edu](mailto:adavis@atu.edu)

[www.arkansastechsports.com](http://www.arkansastechsports.com)

Arkansas Tech participates in sports sponsored by the Great American Conference and the National Collegiate Athletic Association. Students who wish to try out for intercollegiate athletics teams in the men's sports of football, baseball, golf, and basketball or women's sports of basketball, tennis, volleyball, cross country, golf, track and field, and softball should contact the head coach of the specific sport. All students who practice or participate in intercollegiate athletics must meet eligibility requirements as set forth by Arkansas Tech, the Great American Conference, and the Division II of the National Collegiate Athletic Association.

## International Students and Scholars

Dean Hall, Suite 116

(479) 964-0832

<http://www.atu.edu/imsso>

<http://www.facebook.com/ArkansasTechIMSSO>

<http://www.instagram.com/atuimsso/>

The Department of International Students and Scholars is dedicated to providing student support services to the international community on the Arkansas Tech campus. Programs and activities are designed to encourage the intellectual and social development of students by providing opportunities for cross-cultural interaction. The achievement of academic excellence and the development of sensitivity, understanding, and appreciation of cultural diversity throughout the campus community provide the foundation for all support services.

Tech is home to students from approximately 40 countries worldwide. The ISS provides many international education opportunities for student involvement for both American and international students. At Light the Night, members of the campus community enjoy international food and entertainment celebrating the wide range of foreign cultures represented at Tech. International Education Week recognizes the importance of international education and celebrates the global exchange of culture.

To find out more about how you can get involved, please visit the website or Facebook page.

## Library, Ross Pendergraft Library and Technology Center (RPL)

RPL 100

(479) 964-0569

Eric Rector, Library Director

[askus@atu.libanswers.com](mailto:askus@atu.libanswers.com), <http://library.atu.edu/>

The Library serves as the academic heart of Arkansas Tech University. As a leader in information literacy, the professional librarians and staff provide excellent support for learning, research, and discovery to all members of the campus community. The library collection fills an essential role in student research and academic success, supporting coursework offered both on campus and online.

The Ross Pendergraft Library and Technology Center serves as the hub for student and faculty research at Arkansas Tech. Some of the building features include:

- Group and individual study rooms available to reserve at <https://bookit.atu.edu/>;
- 150 general use Microsoft Windows computers, 4 Apple iMacs, and 14 docking stations (bring your own laptop);
- 6 web conferencing stations with webcam and headset, 24" Wacom tablet, and Dell canvas tablet (3<sup>rd</sup> floor);
- Multiple service desks dedicated to general library, technology, and research assistance;
- Multi-media makerspaces include an audio recording studio, a video production lab, and a music media computer lab;
- Copiers, scanners, and a book scanner;

- Networked and wireless printing;
- A lactation room and unisex bathroom;
- And quiet study and reading areas with great views and comfortable furniture.

The library houses over 200,000 physical items available for student borrowing. This number includes books, laptops, webcams, headphones, calculators, films on DVD or Blu-Ray, boardgames, and most of the textbooks required by general education courses. Additionally, the library provides access to over 100,000 full-text journals, 709,000 ebooks, 359 databases, and nearly 200,000 streaming videos searchable via the library's search database, Find It, at [findit.atu.edu](http://findit.atu.edu).

Any books, articles, or other materials not available through the library may be requested through interlibrary loan at no charge. Students are also able to check-out materials at any university library in Arkansas through a cooperative program called ARKLINK.

The Library regularly offers tours, workshops, special events, guest classroom lectures, and one-on-one research assistance to individual students upon request.

### **Library Hours (Regular Semester Sessions)**

Monday-Thursday: 7 a.m. -12 a.m.

Friday: 7 a.m. -6 p.m.

Saturday: 10 a.m. -6 p.m.

Sunday: 1 p.m. -12 a.m.

24-Hour service available during spring and fall semester final examination periods.

For additional information in regards to current library events, circulation policies, and hours, please visit <http://library.atu.edu/>.

### **Multicultural Student Services**

Doc Bryan Student Services Center, Suite 229  
(479) 880-4372

The Department of Multicultural Student Services (MSS) is dedicated to enhancing the academic and personal development of under-represented student populations. Focusing on academic success and persistence, MSS collaborates with departments, colleges, faculty, and staff across campus to advocate for the experiences of under-represented students. Within the MSS office suite, the Academic Enhancement Center offers an effective space for study, group work, and project planning.

Additionally, MSS serves as the central hub for student organizations focused on culture, heritage, and belonging. These organizations bring signature campus-wide celebrations and educational events, including Hispanic Heritage Month and Black History Month programs.

### **Registrar's Office**

Brown Hall, Suite 307  
(479) 968-0272

Tammy Weaver, Registrar, [registrar@atu.edu](mailto:registrar@atu.edu)

<http://www.atu.edu/registrar/>

The Registrar's Office coordinates registration and class enrollment activities, maintains the schedule of courses, provides official copies of academic transcripts, and coordinates commencement ceremonies and the related graduation activities. The office is open Monday-Friday from 8 a.m. – 5 p.m.

### **Residence Life**

Doc Bryan Student Services Center, Suite 153  
(479) 968-0376

Dr. Delton Gordon, Associate Dean for Residence Life, [dgordon5@atu.edu](mailto:dgordon5@atu.edu)

<http://www.atu.edu/reslife/>

The Department of Residence Life exists as a vital part of the educational program and academic support services of the University. The mission of the Department of Residence Life is to provide a clean, well maintained, safe, and inclusive living learning environment that is conducive to study and the personal development of all residents. Activities and

services are designed to develop community while encouraging academic and social success. The Department of Residence Life at Arkansas Tech University will strive at all times to excel in providing the highest level of service and commitment to our students so that each can obtain their academic and future goals.

Applications for University housing, housing contracts, room assignments, and questions concerning housing are managed by the Department of Residence Life. Students may begin the housing application process online at [www.atu.edu/reslife](http://www.atu.edu/reslife). The Residence Life staff may be contacted by phone at (479) 968-0376, or by email at [housing@atu.edu](mailto:housing@atu.edu).

Housing rules and regulations for all students contracted with the Department of Residence Life can be found in this handbook under the section "Guide to Residence Hall Living." Students residing in any facilities maintained by the Department of Residence Life are responsible for understanding all policies outlined in the Student Handbook. Questions should be directed to [housing@atu.edu](mailto:housing@atu.edu).

#### **On-Campus Residency Requirements:**

Single students between the ages of 18 and 21, and with fewer than 60 earned credit hours of college work (excluding high school concurrent), who are Russellville campus students are required to live on campus, as space permits, in University owned housing facilities. These students are required to purchase a meal plan unless living in the University operated apartments. Exemptions to the On-Campus Residency Requirement include: students living in their parent or legal guardian's permanent home within 30 miles driving distance of the Russellville, Arkansas campus, married students, or students with dependent children. Resident under the age of 18 between August 21, 2024 and December 31, 2024 must sign the Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus prior to being allowed to sign a housing contract and live in On-Campus housing. The Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus is available through the Department of Residence Life at <http://www.atu.edu/reslife/>. Resident age 17 or under on or after January 1, 2025 are not permitted to live in University owned housing facilities.

#### **Ozark Campus Students and On-Campus Residency:**

Ozark campus students, may live on campus at the Russellville campus. However, Ozark campus students are not required to live on campus.

To be eligible for on campus housing, Ozark campus students must meet unconditional admission requirements to Arkansas Tech University or be accepted into the technical phase of the Occupational Therapy Assistant or Medical Assisting programs. Students under the age of 18 between August 21, 2024 and December 31, 2024 must sign the Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus prior to being allowed to sign a housing contract and live in On-Campus housing. The Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus is available through the Department of Residence Life at <http://www.atu.edu/reslife/>. Students age 17 or under on or after January 1, 2025 are not permitted to live in University owned housing facilities.

Ozark campus students who meet the aforementioned requirements, will be assessed the following additional fees because they are optioning into living on-campus.

1. Health and Wellness (\$9.08 per credit hour)
2. Student Support Fees (\$2.60 per credit hour)
3. Orientation (\$100.00 flat fee); New students only

#### **Eligibility:**

To be eligible to be a resident in a **University Residence Hall**, a person must be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester or a minimum of six (6) graduate hours each semester and pay a \$100 pre-payment.

To be eligible to be a resident in the **University Commons** a person must be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester or a minimum of six (6) graduate hours each semester and pay a \$100 pre-payment.

Initial preference for University Commons assignments will be given to those students who have earned a minimum of thirty (30) credit hours of college work and have a minimum (2.5) cumulative grade point average.

If space is available, exceptions to the minimum credit hour requirement may be made on a semester-by-semester

basis for students who are completing degree requirements, upon written request to Residence Life.

Online Only students are eligible to live on campus, but are not required.

The University reserves the right not to contract with persons who are currently violating or have previously violated the terms and conditions of a housing contract or other University rules or regulations, or who have a past due balance with the University.

## Student Accounts Office

Brown Hall, Suite 241

(479) 968-0271

Angela Crow, Treasurer, [acrow@atu.edu](mailto:acrow@atu.edu)

<https://www.atu.edu/stuaccts/>

The Student Accounts Office provides a number of financial services to students.

**Check-Cashing Policy.** Students cashing checks in the Student Accounts Office are required to show their Tech ID's and are limited to \$50 per day. Third-party checks are not accepted. Upon receipt of a second returned check on any student, the privilege of cashing checks will be revoked. Universal check forms, counter checks, or altered check forms are not acceptable under Federal Reserve Bank regulations.

**Check Policy.** Tech does not accept personal checks unless the check has the student's identification number on it. If the University receives a check that does not have a student identification number, the University may write the student identification number on the check before accepting it. The University considers payment of an obligation by check as implied consent by the student for the University to write the student identification number on the check and to disclose the information on the check to third parties, such as the University's bank, a clearinghouse, or the student's bank. Returned checks, including third-party checks, will be charged back to the student's account along with a service charge of \$10.

**Check Disbursements.** Direct deposit is available for student account overpayments by enrolling through OneTech. Direct Deposits will be in bank accounts the Wednesday after a refund has processed on student's account. Paper checks will be mailed to the current mailing address on file after a refund has processed on the student's account.

\*NOTE: During holidays and unforeseen events it is possible that paper checks and direct deposit dates may change. In these instances, information will be posted on the Student Accounts webpage as soon as possible.

**Billing.** Statements are sent electronically to OneTech email accounts monthly.

**Payment.** Account balances may be paid a variety of ways for your convenience.

- Payment in full, payment plans and International payment options are offered through OneTech
- Payment in full is also offered at the cashier's window with check or cash.
- Check by mail

**Delinquent Accounts.** Students with delinquent accounts are not eligible for advance registration or readmission to any term. Collection fees for outstanding debts owed to the University will be assessed to the student.

**Identification Cards.** The Card Office issues identification cards bearing individual photographs to all students for use throughout their academic careers at Tech. To be eligible for an ID, students must be registered for classes and present a photo ID.

**Acceptable forms of photo ID include:**

1. Passport with name, photo, and signature
2. Valid government issued driver's license with name, photograph, and signature
3. State or province ID issued by a motor vehicle agency with name, photograph, and signature
4. National ID with name, photograph, and signature
5. Military ID with name, photograph, and signature

The ID card permits admission to residence halls, University-sponsored events, and Tech Fit, and serves as the meal ticket for on-campus students as well as a declining balance debit card at several campus locations. A valid ID card is required to access most buildings during evening and weekend hours of operations. The ID card should be carried at

all times. Lost or stolen ID cards should be reported to the Card Office immediately for deactivation. A \$25 fee, payable in the Student Accounts Office, is assessed for the replacement of lost, stolen, or cards damaged by abuse. Upon request, a free temporary replacement ID card will be made active for seven (7) days for use with a meal plan, door access, stored value plans, and Tech Fit. ID cards can only be reactivated in person, in the Card Office. Upon withdrawal from the University, ID cards are surrendered at the Card Office.

In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons at events or on property under the jurisdiction of the University shall identify themselves to an appropriate institutional representative. A person may be asked to present the ID card. If any person refuses or fails upon request to present the ID card, and it appears reasonable that the person has no legitimate reason to be on the campus or in the facility, the person will be asked to leave the campus or facility.

Any person who alters or intentionally mutilates an ID card, or who allows another to use his or her ID card will be subject to discipline. An ID card is subject to confiscation by a representative of the University when acting in performance of his or her duty if:

1. The ID card is in the possession of an individual other than the person to whom the ID card was issued and this person is attempting to use the ID card to represent him or herself as said student; or
2. The ID card is presented by the person to whom it was issued but it is not valid for the current term of registration, and the individual uses the ID in an attempt to access University services for duly registered students.

It is the student's responsibility to be aware of costs, important dates and financial policies. For current information, please visit the Student Accounts website at <https://www.atu.edu/stuaccts/>.

## **Student Support Services (TRIO)**

Brown Hall, Suite 345

(479) 880-4172

Nichole Edwards, Director of Student Support Services, [trio.sss@atu.edu](mailto:trio.sss@atu.edu)

<http://www.atu.edu/sss/>

The Student Support Services office at Arkansas Tech University is home to two a federally funded programs that serves 280 students in pursuit of their first bachelor's degree. Eligible students must be at least one of the following:

1. First generation college student (neither parent has a bachelor's degree);
2. Limited income (income eligible per federal guidelines); or
3. Have a documented learning or physical disability.

Students must also be either a US Citizen or Permanent Resident. This program does not provide financial aid, but program services and resources are free to its participants. Applications are available on the SSS webpage.

## **Tutoring Services**

Ross Pendergraft Library and Technology Center

[tlc@atu.edu](mailto:tlc@atu.edu)

<https://www.atu.edu/tutoring>

The Tech Learning Center (TLC) offers a variety of services in a welcoming environment that helps ATU students achieve their goals. Through peer-tutoring, academic coaching, workshops, and one-on-one consultations, the TLC is designed to holistically assist students in their academic and professional development. Tutoring appointments are available in Fall, Spring and Summer terms. Fall and Spring tutoring hours are 9am – 8pm Monday through Thursday and 4pm – 8pm on Sundays. Summer hours are 9am -4pm Monday through Thursday. Academic Coaching appointments are available year-round 8am – 5pm in addition to semester based tutoring hours.



## **Tutoring**

The TLC's peer tutors provide free support in over 90 courses. Appointments range from 30 minutes to 2 hours. Our peer tutors are trained according to College Reading & Learning Association (CRLA) ethics & standards and have recently taken the courses for which they tutor. Online appointments are available via WebEx.

## **Academic Coaching**

Academic Coaching helps any ATU student looking for a personalized plan for academic success. Peer and professional coaches help students create study plans, improve note-taking and study skills, interact with professors, take advantage of resources on campus, and recognize their own ability to succeed in college. Academic Coaching is a voluntary program that last as long as the student feels the need for support.

## **Testing Services**

Doc Bryan Student Services Center, Suite 211

(479) 968-0308

KaShema Washington, Coordinator of Testing Services

[utds@atu.edu](mailto:utds@atu.edu)

<http://www.atu.edu/testing>

The Office of Testing Services is committed to providing timely and secure proctoring services for our campus community through the administration of various academic assessments and professional certifications. Testing Services are available for correspondence, approved make-up exams, and standardized exams. These exams include ACT, ACCUPLACER, CLEP, Praxis, TEAS, and others. Information regarding specific tests offered can be found on the testing website.

## **Veteran Services**

Doc Bryan Student Services Center, Suite 104

(479) 968-0445

Shelly Hall, Coordinator of Veteran Services

[va@atu.edu](mailto:va@atu.edu)

<https://www.atu.edu/veterans/>

The Office of Veteran Services certifies enrollment to VA for veterans and eligible beneficiaries under the GI Bill®. Education programs include CH 33 Post-9/11; CH 30 Active Duty; CH 1606 Selected Reserve; CH 31 Veteran Readiness and Employment for Veterans with Service-Connected Disabilities; and CH 35 Dependents' Educational Assistance. All service members and dependents should contact the U.S. Department of Veterans Affairs for information regarding eligibility for these programs by calling (888) 442-4551.

All students eligible to receive GI Bill® benefits must contact the Office of Veteran Services to request certification for each enrollment period they wish to receive benefits. Certified students are encouraged to visit our office prior to making any changes to their enrollment status or program of study as these changes could affect payment eligibility. It is the responsibility of the School Certifying Official to keep VA informed of the student's enrollment status; monitor the subjects pursued to certify only those courses that apply to student's program of study; monitor grades, attendance and academic progress; and maintain student records pertaining to certification. GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA).

## **Veterans Upward Bound**

Brown Hall, Suite 346

(479) 880-4341

Kristie Canada, Director, [kcanada6@atu.edu](mailto:kcanada6@atu.edu)

[vub@atu.edu](mailto:vub@atu.edu)

<http://www.atu.edu/vub>

Veterans Upward Bound is a federally funded college-neutral TRiO program, funded by the U.S. Department of Education. The program is designed to motivate and assist veterans in the development of academic and other requisite skills necessary for acceptance and success in a program of postsecondary education. The program provides assessment and enhancement of basic skills through counseling, mentoring, tutoring and academic instruction in the core subject areas.



The primary goal of the program is to increase the rate at which participants enroll in and complete postsecondary education programs. Veterans Upward Bound at Arkansas Tech University is funded to serve 125 veterans and service-members from the ten-county target area to include: Pope, Yell, Conway, Faulkner, Johnson, Logan, Perry, Crawford, Franklin, and Sebastian. The VUB program offers a wide range of support and services, as well as stipends for participation.

Services include:

- Education or counseling services designed to improve the financial and economic literacy of participants
- Short-term remedial/refresher courses
- Instruction in reading, writing, study skills, and other subjects necessary for success in education beyond high school
- Academic, financial, or personal counseling
- Tutorial services
- Mentoring programs
- Information on postsecondary education opportunities
- Assistance in completing college entrance and financial aid applications
- Assistance in preparing for college entrance exams
- Information on the full range of Federal Student financial aid programs and benefits
- Cultural enrichment trips and/or events

## RECORDS

### Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA) assures confidentiality of education records containing information directly related to a presently enrolled student, a former student, or alumni. Absent certain specific exceptions, in order for Arkansas Tech University to honor a verbal or written request for information from a student's education records by anyone other than the student, a signed authorization form from the student must be on file.

Authorization forms can be found by visiting [www.atu.edu/ucounsel/](http://www.atu.edu/ucounsel/). If a student wishes to authorize the release of information to a parent or guardian, he or she may complete the Disclosure to Parent form at [http://www.atu.edu/ucounsel/documents/FERPA\\_Disclosure\\_Parent.pdf](http://www.atu.edu/ucounsel/documents/FERPA_Disclosure_Parent.pdf). Completed forms should be returned to the Registrar's Office located in the Brown Hall, Suite 307.

If the student wishes to authorize the release of information to someone other than a parent or legal guardian, he or she may complete the General Release Form at [https://www.atu.edu/ucounsel/documents/FERPA\\_General\\_Release-2017.pdf](https://www.atu.edu/ucounsel/documents/FERPA_General_Release-2017.pdf). Completed forms should be returned to the Registrar's Office located in Brown Hall, Suite 307.

### Directory Information

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the privacy of individual students by placing restrictions on the disclosure of information contained in a student's University record(s). However, the institution, according to FERPA, may make public "directory information" about a student. According to the provisions of FERPA, an enrolled student has the right to withhold the disclosure of directory information and may request the non-disclosure of information at any time.

Directory information at Arkansas Tech University consists of the student's name, hometown, electronic mail address, major field of study, enrollment status (undergraduate or graduate, full-time, or part-time), date of birth, dates of attendance<sup>1</sup>, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received. If a student wishes to suppress from public distribution his or her directory information, he or she may complete the Request for Non-Disclosure of Directory Information at [http://www.atu.edu/ucounsel/documents/FERPA\\_Non-Disclosure\\_Directory.pdf](http://www.atu.edu/ucounsel/documents/FERPA_Non-Disclosure_Directory.pdf).

Completed requests should be returned to the Office of the Vice President for Student Affairs located in the Doc Bryan Student Services Center, Suite 202. The request will remain in effect until rescinded in writing by the student.

<sup>1</sup> Dates of attendance means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester, or a first quarter. The term does not include specific daily records of a student's attendance at an educational agency or institution.

### Change of Address and Name

Students are required to notify the University of any address changes immediately. Address changes can be made online from within the OneTech portal at <https://onetech.atu.edu>, or by visiting the Registrar's Office with a valid photo ID.

A student who no longer wishes to use his or her assigned Tech post office box must close the box at the Tech Post Office and provide a forwarding address.

A student wishing to change his or her name must submit to the Registrar's Office a completed Name Change form.

## **SAFETY, SECURITY, AND TRAFFIC**

### **Department of Public Safety**

(479) 968-0222

Chief Joshua McMillian, Associate Dean for Public Safety/Chief of Public Safety, [dps@atu.edu](mailto:dps@atu.edu)  
<http://www.atu.edu/psafe>

### **Law Enforcement Authority**

Department of Public Safety (DPS) officers are law enforcement officers of the State of Arkansas and are professionally trained and certified by the Arkansas Commission on Law Enforcement Standards and Training. DPS law enforcement authority comes from Arkansas State Statute 25-17-304 which confers upon the president of a state institution of higher education the right to create a university agency with the same powers and authority as any municipal, county, or state police agency in Arkansas. DPS officers have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If any minor offenses involving a violation of Arkansas Tech University rules and regulations are committed by a university student, DPS officers may also refer the individual to the Department of Student Conduct.

### **Law Enforcement Jurisdiction**

All service drives, alleyways, parking lots, any real or personal property owned or controlled by Arkansas Tech University and which is physically located within the Russellville city limits or elsewhere, shall fall under the jurisdiction of DPS. DPS works closely with other federal, state, and local law enforcement agencies including the Russellville Police Department, Pope County Sheriff's Office, Arkansas State Police, Fifth Judicial Task Force, Ozark Police Department, and Franklin County Sheriff's Office. DPS also maintains Mutual Aid Agreements, under the laws of Arkansas, with the Pope County Office of Emergency Management, Russellville Police Department, Pope County Sheriff's Office, and surrounding agencies. This agreement allows each department to provide assistance when necessary, for the purpose of investigating alleged criminal incidents. All members of the campus community are encouraged to cooperate fully with police personnel for their safety and convenience of everyone.

### **Reporting Emergencies and Crimes**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so. All crimes should be reported to the Department of Public Safety to aid in providing timely warnings or emergency notifications to the community when appropriate and for inclusion in the annual crime statistics disclosure. Call 911 in an emergency if you are the victim of or witness to a crime and need police, fire, or medical assistance. Non-emergency incident reports can be made in person at the Department of Public Safety, located at 716 North El Paso Avenue, Russellville, AR, 72801 or call (479) 968-0222 to speak with an officer. Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a university staff member will assist in making the report to police.

Arkansas Tech University students requiring non-emergency medical care and counseling services may contact the Arkansas Tech University Health and Wellness Center at (479) 968-0329.

### **Emergency Alerts**

The University is committed to the safety and well-being of its faculty, staff, students, and visitors to the campus. Upon the confirmation of a significant emergency or dangerous situation that poses an immediate threat to the health or safety of students or staff occurring on the campus, a notification will be made without delay to the University community. The University initiates the notification to the community using the ATU Alert system. Emergency messages will be sent out via text messaging, email, phone calls, desktop notification, digital signage, ALERTUS notification system for large gathering areas, and RSS feed on the university website at [www.atu.edu](http://www.atu.edu).

## **Security of and Access to Campus Facilities**

The ATU campus is made up of a variety of facilities, primarily student residences and academic/administrative buildings. Academic/administrative facilities are open during normal business hours (8:00 AM to 5:00 PM) to faculty, staff, students, and University guests. After-hours access to locked academic and administrative buildings is restricted to authorized persons holding keys or electronic access cards for the facilities. After-hours access is limited to those who have authorization through their status as students, faculty, staff, or visitors in connection with special events or invitation. This access is granted through the ATU Card Office and/or DPS. Public Safety Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters.

Residence halls are for the use and enjoyment of the residents of the building and their guests. Students residing in a residence halls are given keys and/or an electronic access card to their residence halls. All residence halls except University Commons and Stadium Suites, have an electronic card reader on the exterior entrances. Exterior doors remain locked 24 hours a day. Interior hallway doors are to be locked at all times. Access to the individual rooms is limited to the residents and authorized University employees who must follow procedures established to protect the safety of the residents. Public Safety Officers and Residence Life staff monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

## **Security Awareness and Crime Prevention Programming**

The safety awareness programs and crime prevention programs at ATU are based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and employees to be responsible for their own security and the security of others.

DPS, in cooperation with other University organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community annually and more often depending on the program type. The Department of Public Safety, in collaboration with other University departments, offer crime prevention programs throughout the year to raise awareness for a variety of topics including, but not limited to, suicide prevention, sexual assault, dating violence, harassment, and hazing prevention.

DPS conducts the following security awareness and/or crime prevention programs for students each year: Residence Life Staff Training, CRASE (Civilian Response to Active Shooter Events), Emergency Preparedness Month, CPR/AED certification course, Emergency Preparedness Expo, and new employee orientation. Through programs such as these, students and employees are reminded to follow these preventative procedures:

- Report all crimes and/or suspicious activities to the Department of Public Safety.
- Protect personal property such as cell phones, iPads, laptop computers, and other valuable belongings by marking them with an identification number. Record all serial #'s and brand names.
- Lock residence hall room doors and car doors at all times.
- Do not prop doors open for any reason.
- Walk in well-lighted areas at night.
- Contact the Tech Safety Transport after hours for transportation on campus by calling (479) 968-0222 instead of walking alone at night.
- Do not leave books, jewelry, purses, wallets, cell phones, textbooks, backpacks, or other valuables unattended.

## **The Annual Security and Fire Safety Report**

This report includes statistics for the previous three years (2020, 2021, and 2022) containing reported Clery reportable crimes and fires that occurred: (1) on-campus; (2) in certain off-campus buildings or property owned or controlled by Arkansas Tech University; and (3) on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies about campus security and policies addressing domestic violence, dating violence, sexual assault, and stalking. In accordance with the Clery Act, the Arkansas Tech University Russellville Campus (ATU Russellville), the Arkansas Tech University Ozark Campus (ATU Ozark), and the Arkansas Tech Career Center (ATCC) are each defined as separate campuses and the 2023 Annual Security and Fire Safety Report contains information for all campuses (Russellville, Ozark, and ATCC). The complete 2023 Annual Security and Fire Safety Report, can be found as a digital version at <http://www.atu.edu/psafe/cleryreport.php>.

## Parking and Traffic Regulations

ATU reserves the right to restrict or revoke the use of any automobile on campus if the use of that vehicle is thought to be detrimental to the academic achievement of any student or if the person has abused the privilege of operating said vehicle on or off campus. A complete list of parking and traffic information may be located at <https://www.atu.edu/psafe/park-info.php>. The regulations include information on the following important topics:

### How to Purchase a Parking Permit

All students who park a car on campus are required to have a parking permit displayed. To purchase a permit you will log in to your ATU OneTech account and will find a link on the home page. The link will take you to the Campus Automotive Registration System (CARS) page. From the CARS page you can enter or update your vehicle information in the system, confirm the address where you want the permit mailed, and you can purchase your parking permit. The system will automatically assign the correct color permit to you based on your student status. You must have at least one vehicle on your account to purchase a parking permit. You can go to <https://www.atu.edu/psafe/park-info.php> at any time to review the parking regulations. Remember to print your temporary permit to use while waiting for your permanent one to arrive in the mail.

### Accessible Parking

As required, a number of parking slots have been set aside for use by permanently disabled individuals only. Each space has been marked with signs and/or blue and white paint on the space. If these spaces are full, you may park in any color zone but not in spaces marked as loading zones, timed parking, and reserved as long as you display your valid disability license plate or placard. Vehicles found illegally parked in these spaces are subject to towing and impoundment fees. Only individuals who have been issued, and are displaying, a disability license plate or placard issued by the State of Arkansas are permitted to park in spaces marked with blue and white stripes. Vehicles must also have valid Tech hangtag. License plates, decals, and placards may be obtained from the State Revenue Office at 105 South Rochester, Russellville, AR. For information, call (479) 968-1526. Transfer of a disability license or placard is a violation of the Arkansas state law. The offender will be ticketed accordingly. Persons requesting temporary disability status for parking must be authorized by the ATU Health and Wellness Center located in Doc Bryan and, if eligible, then obtain a special temporary hangtag from DPS. You will then be eligible to park in the areas marked RED or handicapped space only for the dates specified.

### Citation Appeals

All appeals will be addressed according to the rules and regulations stated in the Parking Regulations located on the Department of Public Safety website. All appeals must be made within three business days. Appeals made after three business days will not be considered. All faculty, staff, and student appeals should follow the stated procedures. Appeals should be done online. Go to OneTech, locate the Parking Card, then select Purchase Your Parking Permit to locate the Appeal Citation tab. If the appealing party would like to attend the hearing in person, they may contact the Department of Public Safety for more information.

### Traffic and Parking Committee

The Traffic and Parking Committee reviews appeals concerning traffic citations, informs students of changes in policies and regulations, and recommends methods of improving traffic and parking conditions on campus.

The committee is composed of the following members:

1. One (1) Student Affairs staff member.
2. One (1) Department of Public Safety advisor (non-voting member).
3. One (1) representative from either the Residence Hall Association\* or the Student Government Association\*.
4. One (1) student-at-large\*.

\*Students serving on the Traffic and Parking Committee must be full-time, in good academic standing, and demonstrate satisfactory conduct history.

The Traffic and Parking Committee will meet regularly at announced times to hear appeals on citations. Appeals of citations can be submitted online through your OneTech account (locate the Parking Card, then select Purchase Your Parking Permit to locate the Appeal Citation tab and complete the appeal) or filed in person with the Department of

Public Safety within three (3) business days of receipt of the citation.

Students can appear in person before the Traffic and Parking Committee to speak on their own behalf or their written appeal will be read if they are not present. The decisions of the Traffic and Parking Committee are final and can be viewed online through your OneTech account (under the Parking Card). Students may also go before the Traffic and Parking Committee with any other traffic and parking-related problems.

## **Drug-Free Schools and Communities Act, Amendments of 1989**

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, ATU has developed and implemented a program to prevent the unlawful possession, use, sale, or distribution of illicit drugs and alcohol by students and employees. ATU's annual Drug-Free Schools and Communities Act notification includes the items listed below. A complete description of these topics, as provided in the ATU's annual notification to students and employees, is available online at: [https://www.atu.edu/jerrycares/alcohol\\_resources.php](https://www.atu.edu/jerrycares/alcohol_resources.php)

## **Alcohol and Other Drugs Prevention Programs and Policy**

This policy is mandated by and complies with the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). A copy of the biennial review may be found online at:

[https://www.atu.edu/jerrycares/alcohol\\_resources.php](https://www.atu.edu/jerrycares/alcohol_resources.php)

**Standards of Conduct.** Arkansas Tech University is committed to the maintenance of a drug and alcohol free work place and to a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, or campus organizations (including all fraternities and sororities). For Arkansas Tech University employees, compliance with this policy is a term and condition of employment. For Arkansas Tech University students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration. All violators of this policy or of federal, state, or local laws regarding drugs or alcohol will be subject to disciplinary action and possibly criminal prosecution.

## **Drug and Alcohol Prevention Programs and Treatment Resources**

Arkansas Tech University utilizes evidenced-based strategic interventions, collaboration, innovation, and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use. Drug and alcohol programming includes, but is not limited to:

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforcing laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.
- All new undergraduate students are required to complete an online education program.
- Providing education for students who have violated alcohol and/or marijuana policies.

Arkansas Tech University has installed 50 Opioid Overdose Rescue Kits across the campus in Russellville in accordance with Act 811 of the 94<sup>th</sup> Arkansas General Assembly. These kits contain naloxone nasal spray. Naloxone can be used to reverse the effects of an opioid overdose. These kits can be found next to a fire extinguisher and/or AED on the first floor of all campus educational buildings, sporting venues, student unions, the cafeteria, residence halls, and the Health and Wellness Center. Further information can be found on the Health and Wellness Center website.

Counseling services are provided on campus for students by calling (479) 968-0329 or by visiting the Health and Wellness Center located in the Doc Bryan Student Services Center, Suite 119. These services are provided by licensed counselors, but do not include drug rehabilitation or detoxification services. Please see a counselor for more referral resources.



## Local Treatment Resources

### Oasis Renewal

14913 Cooper Orbit Rd.  
Little Rock, AR 72223  
(501) 376-2747  
<https://oasisrenewalcenter.com/>

### Recovery Health Systems

700 E Parkway Drive  
Russellville, AR 72801  
(866) 921-0149  
<https://recoveryhealthsystems.com/>

### Restored Life Services of Arkansas

3127 W 2nd Ct, Suite A  
Russellville, AR 72801  
[www.restoredlifeservices.com](http://www.restoredlifeservices.com)

### Alcoholics Anonymous

<http://www.arkansascentraloffice.org/>

### Celebrate Recovery

<https://locator.crgroups.info/>

### Lake Point Recovery & Wellness

65 ARVAC Lane  
Russellville, AR 72802  
(479) 219-5292  
<http://www.lakepointrecovery.org/>

### Project Hope

201 South Rochester Ave.  
Russellville, AR 72801  
(833) 399-4673  
<https://www.projecthoperc.com/>

### Turning Point at Saint Mary's

1710 W C Place  
Russellville, AR 72801  
[www.stmarysregional.com](http://www.stmarysregional.com)

### Narcotics Anonymous

<http://www.arscna.org>

## University Policies

### Confiscation

Illegally possessed, used, manufactured, sold, or distributed substances, ingredients, or paraphernalia may be confiscated. The University may request, as a condition of presence on University property or participation in University activities, production of other items where the University reasonably determines that they are or contain evidence of a violation of this policy.

### Use of Alcohol/Drugs as a Defense to Policy Violations

The use of drugs or alcohol will not serve as a defense to violations of University policies, including this policy.

### Title IX Amnesty Policy

As the policy relates to incidents covered under Title IX, the University may offer amnesty to parties and witnesses to encourage reporting and participation in the process. See the following excerpt from the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures:

To encourage reporting and participation in the process, ATU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

ATU maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, ATU may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

### Disciplinary Sanctions

Students violating the University policy on alcohol or other drugs are subject to sanctions up to and including expulsion from the University and referral for prosecution. Any employee violating any criminal drug statute while in the work place will be subject to discipline up to and including termination. The University may notify parents or guardians of students under age 21 who are found to be in violation of the drug or alcohol policies as set forth in the Student Code of Conduct.

## Legal Sanctions

### Federal Sanctions and Penalties

| <b>Crime</b>  | <b>Offense</b>   | <b>Penalty</b>   |
|---|--|--|
| <i>Illegal Possession of a Controlled Substance</i> | 1 <sup>st</sup> Conviction   | Up to 1 year imprisonment and/or \$1,000 to \$100,000 fine       |
|   | After 1 Prior Drug Conviction  | 15 days to 2 years imprisonment and/or \$2,500 to \$250,000 fine |
|   | After 2 or more Prior Drug Convictions   | 90 days to 3 years imprisonment and/or \$5,000 to \$250,000 fine |
|   | 1 <sup>st</sup> Conviction with more than 5 grams of Crack Cocaine; 2 <sup>nd</sup> Conviction with more than 3 grams of Crack Cocaine; or 3 <sup>rd</sup> or subsequent conviction with 1 gram or more of Crack Cocaine | 5-20 years imprisonment and a fine up to \$250,000               |

Personal and real property used to possess or to facilitate possession of a controlled substance may be forfeited if that offense is punishable by more than 1 year imprisonment. Vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance may also be forfeited. Additional sanctions include civil fines of up to \$10,000; denial of federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; and ineligibility to receive or purchase a firearm. Other sanctions vested within the authorities of individual federal agencies are revocation of certain federal licenses and benefits such as pilot licenses and public housing.

Federal law prohibits, among other things, the manufacturing, distributing, selling, and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from up to five years' imprisonment and a fine of up to \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g., methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substances, including marijuana, range from up to one year in prison or a fine of at least \$1,000. Penalties are more severe for subsequent offenses.

Students convicted of federal drug crimes may be ineligible to receive federal loans.

### State of Arkansas Sanctions and Penalties

| <b>Crime</b>            | <b>Offense</b>  | <b>Penalty</b>  |
|-------------------------|---|---|
| <i>Underage DUI Law</i> | First Offense; Persons Under Age 21 with BAC of .02 or Higher | Suspension of Driver's License for 90 days; Fine of \$100 to \$500; Public Service; alcohol and driving education program and/or alcoholism treatment program |
|                         | Second Offense  | Suspension of DL for 1 year; Fine of \$200-\$1,000; education and/or treatment program  |
|                         | Third Offense   | Suspension of DL for 3 years or until age 21, whichever is longer; Fine of \$500-\$2,000; at least 60 days Public Service; education and/or treatment program |



|   |  |   |
|---|--|---|
| <i>Driving While Intoxicated</i>  | First Offense with BAC of .08 or intoxicated with a Controlled Substance | Suspension of License for 6 months; 24 hours to one year imprisonment; Fine of \$150 to \$1,000; public service if unable to pay fines; alcohol education program |
|   | Subsequent Offenses  | Increased prison time and fines   |
| <i>Public Intoxication or Drinking in Public</i>                          |  | Fine up to \$500 and/or imprisonment in county jail for up to 30 days   |
| <i>Possession or Purchasing Alcohol by a Minor</i>                        | Includes Possession by Ingestion   | Fine of up to \$500; Probation; Driver's License suspensions up to one year; writing themes or essays on intoxicating liquors, wine, or beer                      |
| <i>Knowingly Furnishing to a Minor</i>                                    | First Offense  | Fine of up to \$2,500 and/or imprisonment in county jail up to 1 year   |
|   | Subsequent Offenses  | Fine of up to \$10,000 and/or 10 years in prison  |
| <i>Manufacture or Delivery of a Controlled Substance</i>                  |  | 3 years to life in prison; fines up to \$250,000  |
| <i>Manufacture or Delivery of a Counterfeit Substance</i>                 |  | Up to 30 years in prison and fines up to \$15,000   |
| <i>Possession of Controlled or Counterfeit Substances</i>                 |  | Up to 30 years in prison and fines up to \$15,000   |
| <i>Possession of Open Container Containing Alcohol in a Motor Vehicle</i> |  | Up to 30 days in jail and a fine of up to \$500   |
| <i>Trafficking a Controlled Substance</i>                                 |  | Up to 60 years to life in prison and \$1,000,000 fine   |
| <i>Fentanyl</i>   | Possession   | Up to 10 years in prison; fines up to \$10,000  |
|   | Possession with the purpose to deliver                                   | Up to 30 years in prison and fines up to \$15,000   |
|   | Delivery of Fentanyl   | 10-40 years in prison   |
|   | Predatory marketing to minors  | Life imprisonment and \$1,000,000 fine  |
|   | Trafficking  | 25-60 years, or life, in prison and \$1,000,000 fine  |

It is unlawful in Arkansas for any person to possess drug paraphernalia with the purpose to use the drug paraphernalia to introduce into the human body a controlled substance.

### **Medical Use of Marijuana under Arkansas State Law**

This policy prohibits the possession, use, manufacture, sale, or distribution of marijuana on University property or in University activities. Marijuana remains a controlled substance under federal law, and the University remains bound by federal laws prohibiting marijuana on University property or in its activities. This prohibition extends to all forms of marijuana, including state-authorized prescription medical marijuana. Students who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact Disability Services and proceed through the University's disability accommodation process for determining any appropriate accommodations. Employees who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact Human Resources and proceed through the University's disability accommodation process for determining any appropriate accommodations.

### **Health Risks**

**Alcohol** – Can cause short term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long term effects include risk of liver and heart damage, malnutrition, cancer, and other illnesses; can be highly addictive to some persons.

**Amphetamines (Adderall, methamphetamine)** – Can cause short term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition, and death.

**Cocaine (Crack)** – Can cause short term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long term effects may include damage to respiratory and immune systems; malnutrition, seizures, and loss of brain function; highly addictive.

**Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice)** – Can cause short term effects such as elevated heart rate, blood pressure, and chest pain; hallucinations, seizures, violent behavior, and paranoia; may lead to lack of appetite, vomiting, and tremor; long-term use may result in kidney/liver failure; increased risk of suicide and death.

**Hallucinogens (PCP, LSD, ecstasy, dextromethorphan)** – Can cause extreme distortions of what's seen and heard, induces sudden changes in behavior, loss of concentration, and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma, and death; frequent and long-term use can cause permanent loss of mental function.

**Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)** – Can cause short term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations, or delusions; may lead to rapid and irregular heart rhythms, heart failure, and death; long-term use may result in loss of feeling, hearing, and vision; can result in permanent damage to the brain, heart, lungs, liver, and kidneys.

**Marijuana** – Can cause short term effects such as slow reflexes; increases forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long term health effects include permanent damage to lungs, reproductive organs, and brain function; can interfere with physical, psychological, and social development of young users.

**Opiates/Narcotics (heroin, morphine, opium, codeine, oxycodone, china white)** – Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death; long term use leads to malnutrition, infection, and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

**Sedatives** – Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances, can quickly cause coma and death; long term use can produce physical and psychological dependence; tolerance increases rapidly.

**Tobacco (cigarettes, cigars, chewing tobacco)** – Can cause diseases of the cardiovascular system, such as myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD), Emphysema, and cancer, particularly cancers of the larynx and mouth; nicotine is highly addictive.

## **Harassment (Sexual Misconduct) Prevention Program and Policy Information**

Arkansas Tech University is committed to cultivating a culture of respect in which students can thrive in their educational pursuits. All forms of harassment (sexual misconduct) are in opposition to the values and standards of the community and are strictly prohibited. University members who commit harassment (sexual misconduct), are subject to University disciplinary action as well as possible criminal action. Harassment (sexual misconduct) includes, but is not limited to, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, and sexual harassment. The complete Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures are located in Article III, Section F of the Student Code of Conduct in this document.

### **Awareness and Prevention Programs**

As part of our commitment to an educational environment free from harassment (sexual misconduct), the University coordinates and presents awareness and prevention programming throughout each academic year. Collaborative efforts in Student Affairs enables the University to offer regular programs focused on reducing incidences of harassment (sexual misconduct) for students, faculty, and staff. Examples of educational outreach and training programs related to harassment (sexual misconduct) include:

- Harassment (sexual misconduct) training during New Student Orientation.
- Mandatory annual completion of online harassment (sexual misconduct) prevention training, a course designed to increase awareness of harassment (sexual misconduct), hone bystander intervention skills, and

help students know where to go for help.

- The Title IX Office presents online and in-person educational programs and trainings that focus on bystander intervention, survivor support, and healthy relationships.
- The Title IX Office and Registered Student Organizations host relevant guest speakers.
- Counseling Services provides a variety of related educational programs and literature.
- The Department of Public Safety provides safe rides after dark on campus to students as well as self-defense programming.
- The Jerry Cares campaign in the Division of Student Affairs raises awareness of a variety of safety initiatives, including harassment (sexual misconduct).

### **Tips for Preventing Harassment (Sexual Misconduct)**

We all have a part to play in the fight against sexual and relationship violence. The following are some things to keep in mind as you interact with peers or sexual/romantic partners.

- Always ask first. Listen for your partner's response, and take both verbal and nonverbal signs of reluctance or refusal seriously. If the response is not clear, ask again. Mixed messages from your partner are a clear indication that you should stop and talk about it. You have a responsibility to respect your partner's timeline for sexual activities with which they are comfortable.
- Respect the wishes of the person you are interacting with. Even if the person you are with initially gives permission, consent can be withdrawn at any time.
- Remember that prior sexual activity does not equal future consent. Consent must be obtained during every encounter and for every sexual act.
- Realize that alcohol and other drugs impair judgment and communication, making it difficult to obtain consent. Additionally, it is against the law and ATU policy to engage in sexual activity with someone who is incapacitated or incapable of saying "no."
- Trust your instincts. If you are uncomfortable or sense that you are in danger, leave as soon as you are able. In an emergency, you should always call 911.
- Be a role model and engage respectfully with others in the Arkansas Tech University community. Set high standards for your friend group and the larger University community, and model the conduct you expect from others.
- Be a leader. If you see concerning behavior, don't be afraid to intervene if it is safe to do so, and don't be afraid to contact Public Safety to assist. Speak out against harmful stereotypes and behaviors in conversations with peers and offer help to community members who may need it.
- Some students have a more difficult time reading social cues than others. If you are one of these people, it might be important that you rely less on non-verbal cues and practice good verbal communication with your peer or sexual/romantic partner. If you think that you need to improve your communication skills, consider getting connected with Counseling and Disability Services.

### **Love Shouldn't Hurt**

If you or someone you know are experiencing relationship or sexual violence, help is available through campus and community resources listed in the section below.

Some red flags of abuse include:

- Controlling behavior
- Excessive or threatening contact through text messages, telephone calls, or other forms of communication
- Obsessive jealousy
- Physical violence such as hitting, slapping, punching, kicking, etc.
- Put downs and name-calling
- Sexual pressure

- Isolating their partner from friends and/or family
- Threatening to leave or take their own life

Some warning signs someone is being abused include:

- Making excuses for a partner's bad behavior
- Making excuses for injuries
- Fear of a dating partner
- Isolation from friends and/or family
- Skipping class, work, or social gatherings for no clear reason
- Noticeable changes in eating or sleeping patterns
- Alcohol and/or other drug abuse
- Loss of self-confidence
- Constantly checking in with their partner
- Depression and/or anxiety
- Drastic personality changes

### **Reporting Harassment (Sexual Misconduct)**

Arkansas Tech University strongly encourages reporting any form of harassment (sexual misconduct), including sexual assault, but we also recognize that the decision to report sexual or relationship violence is a deeply personal choice for survivors. Reports of harassment (sexual misconduct) can be made to the Title IX Office ([www.atu.edu/titleix](http://www.atu.edu/titleix)), and criminal reports can be made to the Department of Public Safety.

Whether you decide to report the misconduct or not, the University wants to ensure that you are supported. We urge you to speak about what happened with someone you trust who can support you emotionally and help you develop a plan. This person could be a friend, family member, pastor, mentor, advocate from the Ozark Rape Crisis Center, counselor in the Health and Wellness Center, Title IX Coordinator, or someone else who will be able to support you during this time. The Arkansas Tech University Department of Public Safety is available to help 24 hours a day, 7 days a week by dialing 911 or calling (479) 968-0222 for the Russellville Campus and (479) 508-3359 for the Ozark Campus.

### **Medical Assistance**

Medical assistance can be obtained by dialing 911 or going directly to the hospital. Emergency Room staff at St. Mary's Regional Medical Center in Russellville and Mercy Hospital in Ozark are equipped with the supplies necessary to collect and preserve forensic evidence (sometimes called a "rape kit"). They are also able to treat any possible injuries, provide preventative treatment for sexually transmitted infections, and offer other health services.

If you choose to have forensic evidence collected at a hospital, it is important to do so within 96 hours of an assault, but the sooner you can be examined, the better. Even if you do not want to file charges at the time, by having evidence collected, you keep your options open. Having evidence collected does not mean you have to want to press charges or even make up your mind about what you want to do. It means that if you decide a few days, weeks, or months later that you want to report the assault to law enforcement, the physical evidence has been preserved. Exams performed in the 96-hour timeframe are paid for by the state of Arkansas.

Some general guidelines for evidence collection:

- You may want to shower, bathe, brush your teeth, smoke, change your clothes, or clean the area where the assault occurred. Try to avoid these things before having evidence collected if possible, but an evidence collection kit can still be completed if you have already done any or all of these things.
- If you have already changed clothes, take what you were wearing at the time of the assault to the hospital in a paper (not plastic) bag.
- Save any forms of communication or documents that might be helpful in an investigation. This may include text messages, emails, messages on social media like Instagram, Facebook, and Snapchat, pictures, etc.

- If you are unsure about the identity of your assailant, write down everything you are able to remember about that person, including a physical description and any information you remember about the person's identity."

During business hours (8 a.m. to 5 p.m. Monday-Friday), we strongly encourage you to contact Amy Pennington, Arkansas Tech University's Title IX Coordinator, by phone (479) 968-0407, email ([apennington@atu.edu](mailto:apennington@atu.edu)), or in person at the Doc Bryan Student Services Center, Suite 233 located at 1605 Coliseum Drive. The Title IX Coordinator and other members of the Title IX team are able to offer supportive and protective measures as well as ensure you are connected with helpful resources.

Confidential counseling services are available through the Arkansas Tech University Health and Wellness Center in the Doc Bryan Student Services Center, Suite 119. To schedule an appointment or for more information, please contact the Health and Wellness Center at (479) 968-0329. The following licensed counselors offer confidential counseling for students at Arkansas Tech:

Kristy Davis, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)

Hunter Bramlitt, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu)

Janis Taylor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu)

Leann Watson, [lwatson12@atu.edu](mailto:lwatson12@atu.edu)

Dillon Webster, [dwebster@atu.edu](mailto:dwebster@atu.edu)

For additional and more detailed information related to options for ongoing assistance and reporting, please see the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures located in Article III, Section F of the Student Code of Conduct in this document.

# STUDENT CODE OF CONDUCT

## Preface

Arkansas Tech University is dedicated to learning, the advancement of knowledge, and the development of ethically sensitive and responsible persons. Achieving these goals through a sound educational program and by implementing student conduct policies that encourage independence and maturity is a priority. Each member of the Arkansas Tech University community assumes an obligation to obey all rules and regulations made by properly constituted authorities, preserve faithfully all property provided for his or her education, and fulfill his or her duties as a student with diligence, fidelity, and honor.

Arkansas Tech University students are responsible for understanding all rules, regulations, and policies that shape the structure of our campus community. Students should read, understand, and follow the rules and regulations outlined in the Student Handbook and the Student Code of Conduct as well as those outlined in the Undergraduate and Graduate Catalogs.

In compliance with the Constitution of the State of Arkansas, the Arkansas Tech University Board of Trustees is vested with authority to make regulations and policies, consistent with the laws of the land, for Arkansas Tech University. Students seeking interpretations of provisions within the Student Code of Conduct may contact Dr. Keegan Nichols, [knichols@atu.edu](mailto:knichols@atu.edu), Vice President for Student Affairs or Amy N. Pennington, [apennington@atu.edu](mailto:apennington@atu.edu), Student Conduct Administrator.

## Article I: Definitions

- A. The term "**University**" refers to Arkansas Tech University. Arkansas Tech University is herein referred to as "Tech."
- B. The term "**student**" refers to each person who is currently enrolled, full-time or part-time, in any non-credit or credit courses pursuing undergraduate, graduate, or post-graduate/professional studies. For disciplinary purposes, under the Student Code of Conduct, a student may also be defined as any individual who:
  - 1. attends post-secondary educational institutions other than Tech;
  - 2. was enrolled within the last twelve months, but is not enrolled during a current term;
  - 3. has been notified of acceptance for admission but has yet to be enrolled for study;
  - 4. withdraws after allegedly violating the Student Code of Conduct;
  - 5. is a non-temporary guest having continuous residence at any University housing property, even if not enrolled at the University.
  - 6. is a concurrently enrolled high school student.
- C. The term "**faculty member**" refers to any person hired by the University to conduct classroom activities.
- D. The term "**University official**" refers to any person employed by the University, performing assigned administrative or professional responsibilities.
- E. The term "**member of the University community**" includes any person who is a student, faculty member, University official, or any other person employed by the University. The status of a person in a particular situation shall be determined by the conduct advisor in conjunction with the Student Conduct Administrator.
- F. The term "**University premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University. This includes adjacent streets and sidewalks.
- G. The term "**organization**" refers to any number of persons who have complied with the formal registration requirements for University recognition including, but not limited to, Registered Student Organizations.
- H. The term "**Student Conduct Administrator**" refers to the person designated by the University President, through the Vice President for Student Affairs, to be responsible for the administration of the Student Code of Conduct.

- I. The term "**conduct body**" refers to any persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code of Conduct and impose sanctions.
- J. The term "**disciplinary proceeding**" refers to a hearing, appeal, or investigatory interview conducted by a University official.
- K. The term "**conduct advisor**" refers to a University official authorized on a case-by-case basis, by the Student Conduct Administrator, to adjudicate possible violations of the Student Code of Conduct and impose sanctions upon students found to have violated the Student Code of Conduct.
- L. The term "**appellate authority**" refers to any person or persons authorized to consider an appeal of a decision by a conduct body.
- M. The term "**shall**" is used in the imperative tense.
- N. The term "**may**" is used in the permissive tense.
- O. The term "**policy**" is defined as the written regulations of the University as found in, but not limited to, the Student Handbook, Housing Contract, Guide to Residence Hall Living, Parking and Traffic Regulations, and Graduate or Undergraduate Catalogs.
- P. The term "**complainant**" refers to any person(s) who submits a charge alleging a violation of a University policy.
- Q. The term "**respondent**" refers to any student(s) alleged to have violated a University policy.
- R. The term "**serious violation**" refers to an alleged violation of the Student Code of Conduct that may result in University Suspension or University Expulsion should the respondent accept responsibility for the alleged violation or is determined to be responsible at a hearing. The Student Conduct Administrator or designee will determine if an alleged violation has University Suspension or University Expulsion implications at the outset of the disciplinary process.
- S. The term "**administrative file**" refers to all documents and evidence in the University's possession or control that is relevant to an alleged violation of the Student Code of Conduct including disciplinary proceedings which the University will maintain. This does not apply to privileged documents, internal communications, or communications from nonparties that the institution does not intend to introduce as evidence at a disciplinary hearing.
- T. The term "**fully participate**" in allegations involving serious violations means the opportunity for a complainant, respondent, or registered student organization to be provided an opportunity to be present and advised by an advisor of their choice.

## Article II: Student Code of Conduct Authority

While enrolled at the University, students are subject to delegated University authority. The Vice President for Student Affairs shall designate a Student Conduct Administrator, who shall identify other conduct advisors to assist with the administration of the conduct process. The Student Conduct Administrator or designee will train the conduct advisors and members of the conduct body who are responsible for the discipline of students and may, through the disciplinary procedures specified herein, impose sanctions for violations of the Student Code of Conduct. University disciplinary action will not be stayed or suspended even if a case(s) is pending, in process, or determined in the civil or criminal courts.

- A. The Vice President for Student Affairs is designated by the University President to be responsible for overseeing the administration of the Student Code of Conduct through the appointment of a Student Conduct Administrator.
- B. The Student Conduct Administrator or designee shall ensure that the composition of the conduct body follows the criteria set forth in this document. The Student Conduct Administrator shall also determine which conduct advisor(s) shall be authorized to hear each case.
- C. The Vice President for Student Affairs, along with the Student Conduct Administrator, or designee, shall develop policies for the administration of the conduct program and procedural rules for the conduct body, including hearings.
- D. Decisions made by a conduct body shall be final barring successful appeal. Appeal of a conduct body decision must

follow the process outlined in the Student Code of Conduct.

## **Article III: General Conduct Expectations**

### **A. Jurisdiction of the University**

The Student Code of Conduct applies to the conduct of any University student that occurs 1) on University premises, or 2) at any University sponsored event or activity. In addition, the University may take action under the Student Code of Conduct based upon the off-campus behavior of a student if that behavior constitutes a safety or security threat to the campus and 1) directly affects any other University student, 2) substantially affects the University community or its objectives or 3) violates local, state, or federal law. Concurrently enrolled high school students who fail to comply with the Student Code of Conduct may be subject to program dismissal as outlined in the Concurrent Enrollment Handbook.

Each student is responsible under the Student Code of Conduct for their conduct occurring at any time prior to being awarded an applicable degree, even if the University does not discover the conduct until after awarding the degree. The Student Code of Conduct also applies to any student conduct that occurs during any interim period:

- before classes have begun or after classes have ended;
- during which the student's enrollment temporarily ceases.

The Student Code of Conduct may also apply to the student's conduct:

- if the student withdraws from the University, or leaves its premises, while a disciplinary matter is pending;
- retroactively as of the student's first admission application date if the student at any time has enrolled at the University.

In the event that a responding party is a former student who is not currently enrolled at the time the University is made aware of an alleged incident, the University may suspend the student conduct process and place a hold on the responding party's account which suspends future enrollment by the responding party. Further, the University reserves the right to resume the student conduct process should the former student seek reenrollment or readmission to Arkansas Tech University at a later date.

### **B. Application of the Student Code of Conduct to Registered Student Organizations**

As a condition of Registered Student Organization status at Tech, groups agree to abide by the Student Code of Conduct, as well as by all other applicable University policies and local, state and, federal laws. Registered Student Organizations are herein referred to as "RSOs and/or RSO."

#### **1. Charging a Registered Student Organization**

RSOs can generally be held responsible for violations of the Student Code of Conduct when:

- a. One or more officers or authorized members/representatives, acting in the scope of their organizational capacities, commit a violation;
- b. One or more of its members commit a violation after the action that constitutes the violation was approved by a vote of the organization or was part of a committee assignment of the organization;
- c. A violation occurs at an activity funded/sponsored by the organization;
- d. A violation occurs at an event funded/sponsored by the organization;
- e. One-tenth or more members of an organization or its officers permit, encourage, aid, or assist in committing a violation;
- f. One-tenth or more members of an organization or its officers fail to report to appropriate University authorities knowledge or information about a violation;
- g. One-tenth or more members of an organization or its officers issue a casual or formal invitation to another member to participate in a violation;
- h. One or more members of alumni commit a violation in the name of the organization;
- i. One or more members of an organization fail to satisfactorily complete the terms of any disciplinary penalty related to an organizational violation;
- j. One or more members of an organization commit a violation while attending a function as a representative of the



University including, but not limited to, competitions, conferences, and conventions;

- k. One or more members willingly witness or observe a violation of the Student Code of Conduct and choose to remain present at the site of the violation (passive participation).

## **2. Jurisdiction and Authority**

- a. Students, who are members of an RSO involved in a violation of the Student Code of Conduct, may be subject to discipline both as a member of the RSO and as an individual.
- b. The Associate Dean for Student Conduct or designee shall be the conduct advisor for cases involving general RSOs.
- c. The Associate Dean for Student Conduct or designee shall be the conduct advisor for all cases involving social Greek organizations.
- d. The Associate Dean for Student Conduct, the Assistant Dean for Residence Life, or Residence Life staff member, or designee shall be the conduct advisor for all cases involving students contracted for housing with the Department of Residence Life who violate the Student Code of Conduct or housing rules and regulations.
- e. Under the direction of the Coordinator of Fraternity and Sorority Life, Greek governing councils (i.e., Interfraternity Council, College Panhellenic Council) shall be responsible for hearing cases for social Greek organizations affiliated with their respective council where their governing documents provide jurisdiction for incidents that do not involve a violation of the Student Code of Conduct. Registered social Greek organizations who violate the Student Code of Conduct may be subject to disciplinary action both as a member of the governing council and within the University's conduct body.
- f. The Student Conduct Administrator will maintain jurisdiction over all cases involving RSOs where there is a possible violation of the Student Code of Conduct including, but not limited to, actions that may violate University policy and/or local, state, or federal law; when there is a conflict of interest with one of the aforementioned conduct advisors; when the incident involves multiple violations; and/or all other incidents with possible sanctions.

## **3. Interim Disciplinary Action**

Information about interim disciplinary action is referenced in the Student Code of Conduct, Article IV, Section E.

## **4. Conduct Bodies and Procedures**

In determining whether or not an RSO violated the Student Code of Conduct, all conduct advisors and/or the conduct body shall make a decision as to whether or not the information presented establishes by a preponderance of evidence in support of the allegation(s), indicating that the information presented would lead a reasonable person to conclude that it was more likely than not that the RSO violated the policy. Upon receipt of a complaint alleging a violation of the Student Code of Conduct by an RSO, the Student Conduct Administrator or designee will fully investigate the charge. Pending the outcome of the investigation, the following means shall be utilized to resolve allegations of RSO misconduct:

### **a. Preliminary Conference**

Alleged violations of the Student Code of Conduct shall require a preliminary conference with the president or primary contact of the accused RSO and a conduct advisor. In the preliminary conference, the conduct advisor shall review conduct procedures and all available information with the RSO president or primary contact to determine whether or not a decision can be made regarding the RSOs responsibility without a formal hearing. The following procedures apply to preliminary conferences:

- i. The accused RSO's president or primary contact on record shall be notified that they need to schedule a preliminary conference and shall be required to attend the scheduled preliminary conference. The accused RSO president or primary contact shall have no less than five (5) business days from the date of the notification to schedule the preliminary conference.
- ii. If the RSO president or primary contact agrees that the RSO should accept responsibility for the violation(s) and the recommended sanctions, an informal resolution agreement may be prepared and

signed by the president or primary contact, on behalf of the RSO, and the conduct advisor. A signed informal resolution agreement shall constitute an acceptance of the finding and sanctions with no subsequent proceedings.

- iii. The RSO president or primary contact has three (3) business days from the date of signing the informal resolution agreement to reconsider the agreement and request a formal hearing.
- iv. If the RSO president or primary contact disagrees with the charge(s) and sanction(s), the matter shall be referred to the Student Affairs Conduct Board for a formal hearing.
- v. If the RSO president or primary contact fails to attend the preliminary conference, the case will be scheduled for a formal hearing.
- vi. The conduct advisor may also determine that the respondent is not responsible or that insufficient evidence exists to reach a finding of responsible for the alleged violation(s). This determination does not prevent the Department of Student Conduct from pursuing a subsequent complaint should new evidence become available.

## **5. Alternate Conflict Resolution**

In some instances, when requested, Student Affairs may elect to enact an alternative conflict resolution pathway to address disputes within the RSO community that do not involve a violation of the Student Code of Conduct. At these times, an arbiter may be appointed by the Student Conduct Administrator. All parties must agree to the conflict resolution pathway and to be bound by the decision agreed to within the pathway with no right to appeal.

## **6. Academic Misconduct Cases**

Information about academic misconduct cases is referenced in the Student Code of Conduct, Article V.

## **7. Hearing Procedures**

Information about hearing procedures are referenced in the Student Code of Conduct Article IV, Section C.

## **8. Appeals**

Information about the appeal process is referenced in the Student Code of Conduct, Article IV, Section F.

## **9. Disciplinary Sanctions**

The University cannot foresee all violations of the Student Code of Conduct. As such, RSOs may be subject to disciplinary action when their behavior is disruptive to the operation of the University. The following sanctions may be imposed by a conduct body upon any RSO found to have violated the Student Code of Conduct (multiple sanctions may be imposed):

- a. **Censure.** A censure is an official statement that the RSO has violated a University regulation, and serves as a formal reprimand. A censure also indicates that future violations will likely result in a more serious level of sanctioning.
- b. **Disciplinary Probation.** Disciplinary probation is a serious encumbrance on the RSOs good standing in the University community. Disciplinary probation will last at least one semester and any subsequent violations during the probationary period will be viewed as both a violation of University regulations and a violation of the probation. If more than three (3) disciplinary probation sanctions are imposed on an RSO, within a five (5) year period, the RSO may be banned from the University community. Disciplinary probation is not a pre-condition to imposition of more serious sanctions.
- c. **Deferred Suspension.** Deferred suspension is a notice to an RSO that their actions are of such a serious nature that removal from the University for a period of time is recommended. The University will defer the suspension as long as the RSO meets all requirements set by the conduct body or conduct advisor. Any future violations would result in immediate removal from the University for an indefinite period of time with the possibility of additional sanctions. No more than one deferred suspension shall be imposed on an RSO prior to the RSO being banned from the University community. While an RSO is serving a deferred suspension, they may not represent the University in any official capacity, such as intercollegiate events or major extracurricular

activities including, but not limited to, campus recreation and homecoming activities.

- d. **Disciplinary Suspension.** Disciplinary suspension establishes a fixed period of time during which the RSO may not participate in any academic, extracurricular, or other activities of the University. At the end of the suspension period, the RSO may be again registered only upon the recommendation of the Dean of Students.
- e. **Indefinite Dismissal.** Indefinite dismissal denies the RSO the right to participate in any academic, extracurricular, or other activities of the University. This is a permanent ban from the University community.
- f. **Restrictions.** A restriction takes away a privilege that the RSO may or may not otherwise have had including, but not limited to:
  - i. the ability to host guests on campus;
  - ii. the ability to reserve space on campus;
  - iii. the ability to attend athletic events;
  - iv. the ability to host/sponsor/co-sponsor specified events/activities;
  - v. the ability to sponsor or place a student on any University election ballot;
  - vi. the ability to have contact with specified individuals or RSOs in the University community;
  - vii. the ability to host/sponsor/co-sponsor off-campus events/activities with or without alcohol present.
- g. **Educational Sanctions.** The conduct body may also impose educational sanctions that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - i. Sponsorship of an education program;
  - ii. Attendance at educational programs;
  - iii. Requirement of members to complete the Group Alcohol Workshop or other educational training programs;
  - iv. Attendance in conflict management training;
  - v. Educational service hours;
  - vi. Attendance in ethics workshop/training;
  - vii. Reflective exercises.
- h. **Restitution.** RSOs may be required to restore any lost or damaged property and/or pay compensation for loss, injury, damage to or misappropriation of University property. This may take the form of appropriate service and/ or monetary or material replacement.
- i. **Monetary Fines.** A penalty imposed by the conduct body involving the collection of fees from the RSO.

## C. Conduct Rules and Regulations

Any student or RSO found to have committed or attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV, Section D and Article III, Section B, 9.

- 1. Acts of dishonesty including, but not limited to:
  - a. Furnishing false information or false reports to any University official, faculty member, or office;
  - b. Forgery, alteration, unauthorized use or misuse of any University document, record, or instrument of identification;

- c. Tampering with the election of any University RSO or campus vote;
  - d. Possible violations of the Academic Dishonesty Policy or the Academic Misconduct Policy are administered separately through academic channels as outlined in Article V of the Student Code of Conduct. Certain behaviors may violate both the Academic Dishonesty/Misconduct Policies and the Student Code of Conduct. In these cases, one process or both processes may be utilized.
2. Material disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities, when the conduct occurs on University premises.
  3. Attempted or actual theft of property of the University, services of the University, property of a member of the University community or other personal or public property.
  4. Unauthorized possession, duplication or use of keys to any University premises, or unauthorized entry to or use of University premises, including residence hall facilities and rooms within. Failure to report a lost key issued by the University to proper officials.
  5. Violation of the Tech Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures. The Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures are located in the Student Code of Conduct Article III, Section F.
- If you feel that you have been a victim of harassment (sexual misconduct), please contact Amy Pennington, Title IX Coordinator, Doc Bryan 233, (479) 968-0407, [apennington@atu.edu](mailto:apennington@atu.edu).
6. Physical abuse, defined as intentional physical contact with any person when such conduct threatens or endangers the health and safety of that person(s), including fighting or a physical altercation.
  7. Threats defined as making statements, verbal or written, that communicate a clear and serious expression of intent to commit an act of violence upon a particular person or group of people.
  8. Intimidation, defined as spoken or unspoken threats made with the intent to harass or alarm any individual or group, placing a person or group in fear of retaliation, bodily harm, or death.
  9. Stalking, defined as behavior with the intent to harass or alarm any individual or group, subjecting an individual or group to uninvited interaction or the threat of uninvited interaction. Willfully, maliciously, and repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, or harassed.
  10. Harassment, defined as unwelcome conduct that is severe and pervasive and substantially interferes with the learning, working, or living environment, and which would detrimentally affect a reasonable person under the circumstances. Harassment is extreme, outrageous, or persistent acts or communications that are intended or reasonably likely to harass, intimidate, or humiliate another. Whether the alleged conduct constitutes prohibited harassment depends on the entire circumstances, including the nature, frequency, type, and duration of the conduct.
  11. Hazing, defined in Arkansas law in § 6-5-201 and § 6-5-204, and as further defined in University policy as:
    - a. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which 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 any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;

- c. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student 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. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student 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" as defined in this section does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.  
The University hazing prevention policy can be found in the Registered Student Organization section of this handbook. Failure to follow this policy is prohibited.
12. Failure to comply with a request by an authorized University Official, either written or verbal, including resident assistants or law enforcement officers acting in performance of their duties, including failure to identify oneself and/or present their University identification card upon request.
  13. Cyberbullying, defined as using an electronic device, such as a computer or cell phone, to send an electronic communication to harass, threaten, humiliate, defame, or intimidate a person or group of people.
  14. False notification of an emergency, defined as providing a false report to 911, the Department of Public Safety or false activation of an emergency call station, panic button, fire alarm, or intentionally creating or causing a false alarm.
  15. Violation of University policies, rules or regulations including, but not limited to, Department of Residence Life regulations, may be considered a violation of the Student Code of Conduct.
  16. Violation of local, state, or federal law on University premises or at University sponsored or supervised activities.
  17. Illegal drugs, including the use, possession, manufacturing, distribution, or being found under the influence of marijuana, inhalants, narcotics, or other controlled substances and paraphernalia, except as expressly permitted by law. Use or possession of marijuana, including medical marijuana used or prescribed under the Arkansas Medical Marijuana Amendment of 2016, is strictly prohibited on campus. Any such use or possession is a violation of the Student Code of Conduct. Specifically, Act 740 of 2017 provides that the Arkansas Medical Marijuana Amendment of 2016 does not permit a person to possess, smoke, or otherwise engage in the medical use of marijuana on the grounds of a college or university. The University may notify parents or guardians of students under age 21 who are found to be in violation of this policy.
  18. Use of any tobacco product including, but not limited to, smoking, use of electronic cigarettes, vapor pens (with or without tobacco products), dipping, or chewing tobacco is prohibited. See Tobacco-Free Policy located in this handbook for more details and definitions.
  19. Improper use, possession, or distribution of legal drugs and/or prescription drugs without a prescription.
  20. Alcohol, including use, possession (including ingestion), distribution, public intoxication, being found under the influence of alcohol, or being present at a gathering in which a reasonable person would be aware alcohol is present. The University may notify parents or guardians of students under age 21 who are found to be in violation of this policy.
  21. Unless otherwise permitted by law, use, possession, storage, or distribution of firearms, rifles, shotguns, pistols, explosive materials (including fireworks), archery equipment, ammunition/bullets, or any other weapons or dangerous instrumentality on the campus is prohibited and may result in immediate interim suspension of the student. This includes, but is not limited to, knives\* (with blades larger than 3 inches in length), blow guns, sling shots, BB guns, paintball guns, airsoft guns, swords, pellet guns, toy guns, water guns, Nerf guns, and any other object used or threatened to be used as a weapon in which serious injury does or could result. Students owning

firearms and/or other prohibited hunting materials should make arrangements for storage of these weapons off campus. *\*This policy may apply to knives with blades less than 3 inches in length when used in commission of other policy violations.*

Effective September 1, 2017, provided that the concealed carry licensee has the enhanced carry endorsement/training required by Act 562 of 2017, and subject to the limitations in Act 859 of 2017 (i.e. designated collegiate athletic events and/or discipline or grievance meetings or hearings), carrying a concealed handgun in the buildings or on the grounds owned or leased by Arkansas Tech University is permitted.

Pursuant to A.C.A. 5-73-322(d), the storage of a handgun by any person, concealed carry licensee or not, in a university-operated student dormitory or residence hall is prohibited under A.C.A. 5-73-119(c).

Pursuant to A.C.A. 5-73-306, a concealed carry licensee may have a concealed handgun in a locked and unattended vehicle when the vehicle is in a university parking lot.

22. Destruction, vandalism, damage, or misuse of University or other personal, public, or private property including, but not limited to, buildings, furniture, library materials, computer hardware, software and network, trees, shrubbery, or University files and records; violation of University rules for use of campus facilities; tampering with safety equipment including, but not limited to, fire alarms, fire equipment, or escape mechanisms and elevators.
23. Participation in a campus demonstration that infringes on the rights of other members of the University community; leading or inciting others to materially disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
24. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
25. Disorderly conduct; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University.
26. Use of bicycles, skateboards, longboards, scooters, or in-line and roller skates in restricted areas at the University. The possession, use, or storage of self-balancing scooters/hoverboards inside Arkansas Tech University buildings (Russellville campus, Ozark campus, and all auxiliary locations) is prohibited. For more information, please refer to the Bicycles, Skates, Skateboards, and Hoverboard policies located in the Campus Facilities section of this handbook.
27. Misuse of technology, theft or other abuse of computer time including, but not limited to:
  - a. Unauthorized entry into a file to use, read, or change the contents or for any other unauthorized transfer of a file;
  - b. Unauthorized use of another individual's identification and password;
  - c. Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official;
  - d. Use of computing facilities and resources to send messages that adversely affect the University community and/ or the pursuit of its objectives, including obscene or abusive messages;
  - e. Use of computing facilities and resources to interfere with normal operation of the University computing system;
  - f. Use of computing facilities and resources in violation of copyright law, including illegal file-sharing and downloading. Please see DMCA Violation Policy in Article III, Section D.

A complete list of Tech's computer use policies can be found at:

<https://support.atu.edu/support/solutions/articles/7000019369-appropriate-use-of-computer-resources>

28. Abuse of the judicial system including, but not limited to:
  - a. Failure to obey the directions of a conduct body or University official;
  - b. Falsification, distortion, or misrepresentation of information before a conduct body;
  - c. Disruption or interference with a conduct proceeding;

- d. Knowingly filing false charges that result in a conduct proceeding;
  - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
  - f. Attempting to influence the impartiality of a member of a conduct body prior to and/or during the course of the conduct proceeding;
  - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body prior to, during, and/or after a conduct proceeding;
  - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct;
  - i. Influencing or attempting to influence another person to commit an abuse of the conduct system.
29. Knowingly being present at the commission of a violation and/or exhibiting passive approval and participation.
  30. Misconduct abroad by any student, who in any foreign country undertakes study or represents the University otherwise, remains subject to the Student Code of Conduct.
  31. Endangerment or any action that unnecessarily places oneself or others in danger or physical harm.
  32. Discrimination, defined as actions that deprive other members of the University community of educational or employment access, benefits, or opportunities on the basis of any protected category.
  33. Bullying, defined as repeated or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally (that is not speech or conduct that is otherwise protected by the First Amendment.)
  34. Residence hall violations as outlined in the Guide to Residence Hall Living located in the On-Campus Living section of this handbook.
  35. Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on University premises without their prior knowledge, or without their effective consent when there is a reasonable expectation of privacy and/or when such a recording is likely to cause injury or distress. This includes video voyeurism, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, residence hall room, or restroom.

## **D. Digital Millennium Copyright Act (DMCA) Violation, Procedures and Policy**

Arkansas Tech University recognizes that downloading and sharing copyrighted material online without permission is both illegal and unethical. In compliance with the Digital Millennium Copyright Act of 1998, Arkansas Tech is obligated, based on federal regulations, to address and resolve any cases of copyright infringement brought to our attention via the procedures listed below:

1. The Office of Information Systems staff or University Counsel is made aware of copyright infringement through use of file sharing or peer-to-peer (P2P) software or through a Notice of Claimed Infringement, which includes the violation type, IP address, and IP port number. The port is restricted immediately when notification is made to Office of Information Systems personnel.
2. Office of Information Systems personnel links the IP information to a user.
3. In cases involving student users, Office of Information Systems personnel sends the student name, T#, residence hall room location or alternate location of activity (if applicable), email address, "material in question" (Notice of Claimed Infringement), and date of activity to the Student Conduct Administrator.
4. A student conduct case is created and assigned to a conduct advisor. The student will be provided a copy of the notice of copyright infringement and the case is adjudicated in accordance with Article IV of the Student Code of Conduct. Internet access provided by Arkansas Tech is restricted until the student completes the conduct process.
5. If found responsible for violating the policy, the student may receive sanctions including, but not limited to:
  - a. 1st Offense: Restriction of Internet access from Arkansas Tech University for a period of 10 weeks; Educational sanction; \$75 monetary fine; Warning issued to student that the conduct was unlawful and could be subject to civil or even criminal prosecution.
  - b. 2nd Offense: Termination of Internet access from Arkansas Tech University for a minimum six (6) month



period.

- c. 3rd Offense: University suspension for one (1) full semester and permanent termination of Internet access from Arkansas Tech University.

- 6. The student is responsible for the removal of any illegally downloaded material. If Arkansas Tech University officials receive notification of another violation, the student will be held accountable for the second offense, even if the same material from the original violation is detected due to the student's failure to remove the illegally downloaded material.
- 7. The conduct advisor notifies Office of Information Systems personnel of the date when the student's Internet access can be reactivated.

## **E. Off-Campus Conduct**

If a student engages in conduct off-campus or is charged only with an alleged off-campus violation of local, state, or federal laws, but not with any other violation of the Student Code of Conduct, disciplinary action may be taken and sanctions imposed if that behavior constitutes a safety or security threat to the campus and 1) directly affects any other University student, 2) substantially affects the University community or its objectives, or 3) allegedly violates local, state, or federal law.

University disciplinary proceedings may be instituted against a student who engages in conduct or is charged with violation of a law that is also a violation of the Student Code of Conduct if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under the Student Code of Conduct will be conducted independently of any pending civil or criminal proceedings off-campus.

When a student is charged by local, state, or federal authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Code of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

If a complaint is brought forward to the University regarding an alleged violation of the Student Code of Conduct occurring off-campus, the same safety and security threat assessment and subsequent decision matrix (as described above) will be used to determine if disciplinary action may be taken or sanctions imposed. This includes alleged violations of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, which upon meeting the threshold outlined in this policy, would be evaluated under Process B.

## **F. Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures [Based on the ATIXA 2023 One Policy, Two Procedures Model. ©2023 ATIXA. Used with Permission]**

The following Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (herein after "Policy") were adopted by Arkansas Tech University (herein after "ATU") following the release of new Title IX regulations by the U.S. Department of Education. Officially published on May 19, 2020, the new Title IX regulations are effective and enforceable on August 14, 2020. This Policy was reviewed and updated in August 2024.

This Policy will be effective on August 14, 2020, and it replaces the existing Sexual Harassment Policy, the Sexual Misconduct Policy and Procedures, and the Non-Discrimination Policy.

Complaints received prior to August 14, 2020, will follow the appropriate ATU policy published for the 2019-2020 academic year. All complaints received on or after August 14, 2020, will follow the policy and procedures outlined in this document.

### **1. Glossary**

A complete glossary defining key terms used throughout this Policy is located in Appendix A. Definitions from Article I of the ATU Student Code of Conduct are also used throughout this Policy. To ensure accurate interpretation of this Policy, please refer to Appendix A and Article I: Definitions and review the meaning of key terms.

## **2. Rationale for Policy**

ATU is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity. ATU values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved. To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, ATU has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of a protected characteristic, and for allegations of retaliation.

The Title IX Office supports the Arkansas Tech University mission of student success, access, and excellence by cultivating a responsive campus community through education of federal laws and approaches to identify, prevent, and report discrimination, sexual misconduct, and retaliation. Title IX staff strive to conduct fair and equitable inquiries and investigations and implement stop, prevent, and remedy measures, including connecting those affected with campus and community resources. Arkansas Tech University is committed to fostering a safe and caring environment free from sexual and gender-based discrimination where students, faculty, and staff have the opportunity to succeed in their educational and professional pursuits.

## **3. Applicable Scope**

The purpose of this Policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, or domestic violence. When an alleged policy violation is reported, the allegations are subject to resolution using ATU's "Process A" or "Process B" as determined by the Title IX Coordinator and/or the AA/EEO Officer as detailed below.

When the Respondent is a member of the ATU community, a Formal Complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the ATU community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

ATU recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other ATU policies; may involve various combinations of students, employees, and other members of the ATU community; and may require the simultaneous attention of multiple ATU departments. Accordingly, all ATU departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable ATU policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

## **4. Title IX Coordinator, ADA/504 Coordinator, and Affirmative Action/Equal Opportunity Officer**

Multiple individuals work together to coordinate ATU's efforts related to intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy. All parties will be provided with access to a comprehensive electronic brochure detailing options and resources, which the Title IX Coordinator, the ADA/504 Coordinator, or the AA/EEO Officer may also review with the parties in person. These staff persons work together to resolve issues related to discrimination, harassment, and/or retaliation. Throughout the Policy, the Title IX Coordinator and AA/EEO Officer positions may be used interchangeably or their duties may be assumed by a designee.

- Amy Pennington serves as the Title IX Coordinator and oversees gender-based discrimination compliance.
- Kristy Davis serves as the ADA/504 Coordinator and oversees disability compliance for students.
- Melissa Riffle serves as the Affirmative Action/Equal Employment Opportunity Officer (AA/EEO) and oversees protected class discrimination, disability compliance for employees, and ATU's Affirmative Action and Equal Employment Opportunity plan.

## 5. Independence and Conflict-of-Interest

Amy Pennington, AVP/Dean of Students and Title IX Coordinator, manages the Title IX team and acts with independence and authority free from bias and conflicts of interest. As the Title IX Coordinator, Amy Pennington oversees gender-based discrimination resolutions under this Policy. The members of the Title IX staff are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally.

Melissa Riffle, Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator, acts with independence and authority free from bias and conflicts of interest. As the AA/EEO Officer, Melissa Riffle oversees protected class discrimination resolutions under this Policy.

In cases involving an alleged serious violation by a student respondent, no individual will carry out more than one (1) of the following roles with respect to the disciplinary proceeding: advisor, investigator, adjudicator, or appellate adjudicator.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, Amy Pennington, or the AA/EEO Officer, Melissa Riffle, contact Dr. Russell Jones, ATU President, or designee. Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other Title IX Team member should be reported to Amy Pennington, Title IX Coordinator.

## 6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made to the following employees, which triggers the obligation for ATU to respond:

### **Amy Pennington**

AVP/Dean of Students and Title IX Coordinator  
Student Affairs  
[Focus-Gender discrimination, including sexual misconduct]  
Doc Bryan Student Service Center, Suite 233  
Russellville, AR 72801  
479-968-0407  
[apennington@atu.edu](mailto:apennington@atu.edu)

### **Melissa Riffle**

Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator  
Human Resources  
[Focus-All types of protected class discrimination]  
Brown Building, Suite 420  
Russellville, AR 72801  
479-968-0396  
[mriffle@atu.edu](mailto:mriffle@atu.edu)

### **Mitzi Reano**

Project/Program Specialist and Deputy Title IX Coordinator/Investigator  
Human Resources  
[Focus-All types of protected class discrimination]  
Technology and Academic Support Building, Room 154  
Ozark, AR 72949  
479-667-2117 ext. 6532  
[mreano@atu.edu](mailto:mreano@atu.edu)

### **Ashlee Leavell**

Assistant Dean for Student Wellness and Deputy Title IX Coordinator  
[Focus-Discrimination based upon pregnancy]  
Disability and Testing Services  
Doc Bryan Student Services Center, Suite 141  
Russellville, AR 72801

479-968-0302

[sleavell8@atu.edu](mailto:sleavell8@atu.edu)

In addition to the Title IX Team members listed above, the following Officials with Authority listed below may also accept notice or complaints on behalf of ATU:

**Kristy Davis**

Associate Dean for Student Wellness and ADA/504 Coordinator  
[Focus-Discrimination and/or harassment based upon disability]  
Health and Wellness Center  
Doc Bryan Student Services Center, Suite 119  
Russellville, AR 72801  
479-968-0329  
[kdavis51@atu.edu](mailto:kdavis51@atu.edu)

**Will Cooper**

Associate Dean for Student Conduct  
Student Conduct  
Doc Bryan Student Services Center, Suite 233  
Russellville, AR 72801  
479-968-0334  
[wcooper@atu.edu](mailto:wcooper@atu.edu)

**William Titsworth**

Assistant Dean for Student Conduct/Lead Investigator  
Student Conduct and Title IX Office  
Doc Bryan Student Services Center, Suite 233  
Russellville, AR 72801  
479-498-6083  
[wtitsworth@atu.edu](mailto:wtitsworth@atu.edu)

**Josh McMillian**

Associate Dean for Public Safety/Chief of Public Safety  
Public Safety  
716 North El Paso Avenue  
Russellville, AR 72801  
479-968-0222  
[jmcmillian1@atu.edu](mailto:jmcmillian1@atu.edu)

ATU has also classified many employees as Responsible Employees. These employees are mandated to share any report or knowledge they have that a member of the ATU community is experiencing harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or the AA/EEO Officer. The section titled "Responsible Employees" details which employees have this responsibility and their duties.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education 400  
Maryland Avenue, SW Washington,  
D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

For discrimination complaints by employees:  
Equal Employment Opportunity Commission (EEOC) 1-  
800-669-4000  
<https://www.eeoc.gov/>

Little Rock Area Office  
820 Louisiana Street, Suite 200  
Little Rock, AR 72201 Phone: 1-800-669-4000  
Facsimile: 501-324-5991  
TDD#: 1-800-669-6820

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, the AA/EEO Officer, or any of the ATU administrators listed directly above. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator, the AA/EEO Officer, or any other official listed above.
2. Report online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2). Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures.

As used in this Policy, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator or the AA/EEO Officer will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

ATU will offer and implement appropriate and reasonable supportive measures to the parties upon receiving notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, and as reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to ATU’s education program or activity, including measures designed to protect the safety of all parties and/or ATU’s educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or the AA/EEO Officer promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, ATU will inform the Complainant, in writing, that they may file a Formal Complaint with ATU either at that time or in the future, if they have not done so already. The Title IX Coordinator or the AA/EEO Officer works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented

supportive measures.

ATU will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair ATU's ability to provide these supportive measures.

ATU will strive for as minimal an academic/occupational impact on the parties as possible. ATU will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directives) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Campus ban letters
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or the AA/EEO Officer

Violations of no contact directives or other restrictions may be referred to appropriate student or employee conduct processes for enforcement.

## **9. Emergency Removal**

ATU can act to remove a Respondent from its education program or activities-partially or entirely-on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and/or the AA/EEO Officer in conjunction with the CARE Team, the campus behavioral intervention team, using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with Amy Pennington, AVP/Dean of Students and Title IX Coordinator, or Melissa Riffle, Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator, prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified. In cases involving an alleged serious violation by a student Respondent, they will be notified in writing within twenty-four (24) hours of the emergency removal and the notice will explain the University's reasons for the removal. Within three (3) business days of the written notice noted above, unless waived by the student respondent, an interim hearing will be convened to determine whether there is substantial evidence that the student Respondent poses a risk to the health or safety of any student or other individual and that the emergency removal is appropriate to mitigate that risk.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 24-hours of the issuance of the notice, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or the AA/EEO Officer determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator or

the AA/EEO Officer for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or the AA/EEO Officer has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline within the student or employee conduct process, which may include expulsion or termination.

ATU will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or the AA/EEO Officer, these actions could include, but are not limited to:

- removing a student from a residence hall,
- temporarily reassigning an employee,
- restricting a student's or employee's access to or use of facilities or equipment,
- allowing a student to withdraw or take grades of incomplete without financial penalty,
- authorizing an administrative leave, or;
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator or the AA/EEO Officer, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

## **10. Promptness**

All allegations are acted upon promptly by ATU once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but ATU will avoid undue delays within its control.

Any time the general timeframes for resolution outlined in ATU procedures will be delayed, ATU will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.



## 11. Confidentiality/Privacy

Every effort is made by ATU to preserve the confidentiality of reports<sup>1</sup>. ATU will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations (20 U.S.C. 1232g and 34 C.F.R. § 99); or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and procedures.

ATU reserves the right to determine which ATU officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but is not limited to: Human Resources, Division of Student Affairs, ATU Department of Public Safety, and the CARE Team. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be limited as much as possible to preserve the parties' rights and privacy.

ATU may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically later in this Policy.

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<sup>1</sup> For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of ATU employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in ATU's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in ATU's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. ATU has designated individuals who have the ability to have privileged communications as Confidential Resources. More information about Confidential Resources, can be found in this Policy. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

## **12. Jurisdiction of ATU**

This Policy, and the procedures in Process A, apply to the education program and activities of ATU. Specifically, they apply to conduct that takes place on the campus or on property owned or controlled by ATU, at ATU-sponsored events, or in buildings owned or controlled by ATU's recognized student organizations. The Respondent must be a member of ATU's community in order for ATU's policies to apply.

This Policy, and the procedures in Process A and Process B, can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to ATU's education program or activities. ATU may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator or the AA/EEO Officer determines that the conduct affects a substantial ATU interest.

Regardless of where the conduct occurred, ATU will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial ATU interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the educational interests or mission of ATU.

If the Respondent is unknown or is not a member of the ATU community, the Title IX Coordinator or the AA/EEO Officer will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, ATU can assist in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of ATU's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator or the AA/EEO Officer.

In addition, ATU may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from ATU property and/or events.

All vendors serving ATU through third-party contracts are subject to the policies and procedures of their employers and to these Policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or the AA/EEO Officer can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action through that institution's policies.

Similarly, the Title IX Coordinator or the AA/EEO Officer may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to ATU where harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

## **13. Time Limits on Reporting**

There is no time limitation on providing notice or submitting a Formal Complaint to the Title IX Coordinator or the AA/EEO Officer. However, if the Respondent is no longer subject to ATU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator or the AA/EEO Officer, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When a notice/complaint is affected by significant time delay, ATU will typically apply the policy and procedures in place at the time the complaint is made.

## **14. Online Harassment and Misconduct**

The policies of ATU cover online manifestations of any of the behaviors prohibited by this Policy, when those behaviors occur in, or have an effect on, ATU's education program or activities or when they involve ATU networks, technology, or equipment.

Although ATU may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to ATU, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the ATU community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of ATU's control (e.g., not on ATU networks, websites, or between ATU email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by ATU only when such speech is made in an employee's official or work-related capacity.

## **15. Policy on Nondiscrimination**

ATU adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

### **A. Protected Characteristics**

ATU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Color
- Sex
- Sexual orientation
- Gender identity
- Race
- Age
- National origin
- Religion
- Veteran status
- Genetic information
- Disability
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or with the Equal Employment Opportunity Commission.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the ATU community whose acts deny, deprive, or limit the educational or employment opportunities of any member of the ATU community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above is in violation of ATU's policy on nondiscrimination.

When brought to the attention of ATU, any such discrimination will be promptly and fairly addressed and remedied by ATU according to the grievance process described in either Process A or Process B.

## **16. Policy on Disability Discrimination and Accommodation**

ATU is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with

disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by ATU, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Kristy Davis, Associate Dean for Student Wellness, has been designated as ATU's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability. Any complaints submitted electronically or reported to other individuals alleging discrimination based upon disability will be forwarded to Kristy Davis.

Grievances related to disability status and/or accommodations will be addressed using Process B in this Policy. ATU will maintain these records in the Health and Wellness Center for a period of at least seven (7) years.

#### **A. Students with Disabilities**

ATU is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to ATU academic programs, facilities, and activities.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students with disabilities at [sleavell8@atu.edu](mailto:sleavell8@atu.edu). Students may also submit a request electronically at <https://denali.accessiblelearning.com/ATU/ApplicationStudent.aspx>.

The staff in the Disability Services Office reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with ATU's applicable policies.

#### **B. Employees with Disabilities**

Pursuant to the ADA, ATU will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to ATU.

An employee with a disability is responsible for submitting a request for an accommodation to Melissa Riffle, Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator, and providing necessary documentation at [mriffle@atu.edu](mailto:mriffle@atu.edu). The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with ATU's applicable policies.

### **17. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under ATU policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of ATU policy. All offense definitions encompass actual and/or attempted offenses.

#### **A. Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by ATU policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristics in a class protected by policy or law.

ATU does not tolerate discriminatory harassment of any employee, student, visitor, or third party. ATU will

investigate harassment when reported.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities<sup>2</sup>. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, ATU may also impose sanctions on the Respondent through application of either Process A or Process B in this Policy.

ATU reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may not result in the imposition of discipline under the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, but may be addressed through respectful conversation, remedial actions, education, and/or other ATU policies or procedures. For assistance with informal resolution mechanisms, employees should contact the Director of Human Resources, and students should contact the Associate Dean for Student Conduct.

## **B. Sexual Harassment**

The U.S. Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Arkansas regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

ATU has adopted the following definition of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

**Title VII/FHA Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in ATU-provided housing.

- a. Unwelcome verbal, written, graphic, and/or physical conduct;
- b. that is severe or pervasive and objectively offensive;
- c. on the basis of sex/gender, that
- d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

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<sup>2</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Recipients Investigative Guidance. <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

**Title IX Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex/gender, or that is sexual in nature, that satisfies one or more of the following:

**1. Quid Pro Quo:**

- a. an employee of ATU,
- b. conditions the provision of an aid, benefit, or service of ATU,
- c. on an individual's participation in unwelcome sexual conduct.

**2. Sexual Harassment (Hostile Environment):**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and
- d. pervasive, and
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to ATU's education program or activity<sup>3</sup>.

**3. Sexual assault, any sexual act directed against a Complainant, defined as:**

**A. Rape:**

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
- without their consent,
- including instances where they are incapable of giving consent because of age<sup>4</sup>, or because of temporary or permanent mental or physical incapacity.

**B. Sodomy:**

- Oral or anal sexual intercourse with a Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**C. Sexual Assault with an Object:**

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of the Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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<sup>3</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

<sup>4</sup> Per state law.

**D. Fondling:**

- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly, and/or
- against that person's will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

**E. Sex Offenses, Non-forcible:**

**i. Incest:**

- Non-forcible sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Arkansas law.

**ii. Statutory Rape:**

- Non-forcible sexual intercourse,
- with a person who is under the statutory age of consent of 14.

**4. Dating Violence, defined as:**

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuses
    - b) Dating violence does not include acts covered under the definition of domestic violence.



**5. Domestic Violence, defined as<sup>5</sup>:**

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant under family or domestic violence laws of Arkansas, and
- d. includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a Complainant, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who-
- e. is a current or former spouse or intimate partner of the Complainant, or person similarly situated to a spouse of the Complainant;
- f. is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- g. shares a child in common with the Complainant;
- h. commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

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<sup>5</sup> Per VAWA Reauthorization 2022, 34 U.S.C. 12291.

*Economic abuse*, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

- a. Restrict a person's access to money, assets, credit, or financial information;
- b. Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage;
- or
- c. Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

*Technological abuse* means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

*Abuse later in life* means neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual. This definition does not include self-neglect.

**6. Stalking, defined as:**

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at the Complainant, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others, or
  - iii. suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

ATU reserves the right to impose any level of sanction, ranging from a warning up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

### C. Force, Coercion, Consent, and Incapacitation<sup>6</sup>

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you” which elicits the response “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

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<sup>6</sup> The State of Arkansas defines consent as follows: There is a lack of consent if a person engages in a sexual act with another person by forcible compulsion or with a person who is incapable of consent because he or she is physically helpless, mentally defective or mentally incapacitated, or because of a victim’s age. Arkansas Code §§ 5-14- 103; 5-14-125.

- **“Mentally defective”** means that a person suffers from a mental disease or defect that renders the person:
  - incapable of understanding the nature and consequences of a sexual act; or
  - is unaware a sexual act is occurring.
  - Note: a determination that a person is mentally defective shall not be based solely on the person’s IQ. Arkansas Code §§ 5-14-101(4).
- **“Mentally incapacitated”** means that a person is temporarily incapable of appreciating or controlling the person’s conduct as a result of the influence of a controlled or intoxicating substance:
  - administered to the person without the person’s consent; or
  - that renders the person unaware a sexual act is occurring. Arkansas Code §§ 5-14-101(5).
- **“Physically helpless”** means that a person is:
  - unconscious;
  - physically unable to communicate a lack of consent; or
  - rendered unaware that a sexual act is occurring. Arkansas Code §§ 5-14-101(7)
  - A nursing home patient was unable to communicate lack of consent and, thus, was “physically helpless” within meaning of statute for attempted rape purposes; victim was blind, unable to speak, and confined to bed or wheelchair, and victim could only grunt, raise her hand, and shake her head from side to side to communicate. *Dabney v. State*, 1996, 930 S.W.2d 360, 326 Ark. 382.
- Note: When criminality of conduct depends on a victim's being incapable of consent because he or she is mentally defective or mentally incapacitated, it is an affirmative defense that the actor reasonably believed that the victim was capable of consent. Arkansas Code §§ 5-14-102(e).

The existence of forcible compulsion in a rape case does not depend on the quantum of force that is applied but rather on whether the act is consummated against the victim's will. *Hillman v. State*, 569 S.W.3d 372 (Arkansas 2019), which is applicable to criminal prosecutions for sex offenses in Arkansas but may differ from the definition used on campus to address policy violations.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment. Intoxication of the Respondent does not excuse the knew or should have known standard.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

**D. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, ATU additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived protected characteristics.

**1) Sexual Exploitation, defined as:**

- a. an individual taking non-consensual or abusive sexual advantage of another,
- b. for their own benefit or for the benefit of anyone other than the person being exploited, and
- c. that conduct does not otherwise constitute sexual harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Indecent exposure
- Invasion of sexual privacy (e.g. doxing)
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person; and,
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.

Violation of any other ATU policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristics, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning up to and including suspension or expulsion/termination.

### **ATU Consensual Relations Policy**

Sexual relations between employees and those with whom they also have an academic evaluative or supervisory relationship are fraught with the potential for exploitation. The respect and trust accorded a professor or staff member by a student, as well as the power exercised by the professor, or other staff member, in an academic or evaluative role, make voluntary consent by the subordinate suspect. Even when both parties have previously consented, circumstances could change and conduct that was once welcome could become unwelcome and the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between individuals in unequal positions.

In their relationships with students, members of the faculty, as well as employees whose position may be perceived as one of authority, are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision takes place.

An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student whenever the employee is in a "position of authority", real or perceived, over that student. An employee is in a "position of authority" whenever he or she is that student's teacher, or when the employee is either evaluating or supervising the student. This includes resident assistants and students over whom they have direct

responsibility. The “position of authority” may also include formally advising the student or when that student is a major in the employee’s department or college.

A supervisor, whether faculty or staff, should also not develop a dating or sexual relationship with an employee when the supervisor has a “position of authority”, real or perceived, with respect to the employee.

Should a dating or sexual relationship develop or exist, the person with the greater position of authority must consult with an appropriate supervisor immediately. Failure to self-report such relationships may result in disciplinary action. The supervisor, with advice from University Counsel, shall develop a mechanism to ensure that objective evaluation is achieved, that conflicts of interest are avoided, and that the interest of the other individual and University are fully protected. This will likely result in the removal of the employee from the supervisory or evaluative responsibility, or shift the individual out of being supervised or evaluated by someone with whom they have a consensual relationship.

ATU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

## **18. Retaliation**

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or the AA/EEO Officer and will be promptly investigated. ATU will take all appropriate steps to protect individuals who fear that they may be subjected to retaliation.

ATU and any member of ATU’s community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that the determination regarding responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **19. Responsible Employees**

Many ATU employees are mandated to report actual or suspected discrimination, harassment, and/or retaliation to the Title IX Coordinator immediately, though there are some limited exceptions. The employees are called Responsible Employees and include the following:

- President
- Chancellor
- Vice Presidents
- Chief Officers
- Associate Vice Presidents
- Assistant Vice Presidents
- Academic Dean
- Academic Department Heads and Program Chairs
- Dean of Students
- Associate Deans
- Assistant Deans
- Area Coordinators
- Athletic Director
- Head Coaches
- Assistant Coaches

- Faculty Advisors for Student Groups
- Employees in the Department of Public Safety
- Resident Directors
- Resident Assistants

Specific names associated with each of these positions can be located on the Title IX website.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination, harassment, and/or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to an Official with Authority (the names of the Officials with Authority are provided in this Policy) can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator or the AA/EEO Officer (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the reporting options at ATU for a Complainant or third-party:

#### **A. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- On-campus health service providers
- Off-campus (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or designation, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

ATU employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

Licensed professional counselors at ATU are available to help students free of charge and may be consulted on an emergency basis during normal business hours.

At ATU confidential reports can be made to these employees, the licensed counselors and health care professionals staffed in the Health and Wellness Center. For more information on the Health and Wellness Center please visit <https://www.atu.edu/hwc/>.

You may also contact a licensed counselor or health care provider directly. A contact list is provided below:

#### **Counseling Services:**

Kristy Davis, LPC-S, Associate Dean for Student Wellness, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)  
 Janis Taylor, LPC, Counselor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu)  
 Hunter Bramlitt, LPC, Counselor, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu)  
 Leann Watson, LPC, Counselor, [lwatson12@atu.edu](mailto:lwatson12@atu.edu)  
 Dillon Webster, LAC, Counselor, [dwebster@atu.edu](mailto:dwebster@atu.edu)

#### **Health Services:**

Robin Joslin, APRN, Nurse Practitioner, [rkoontz@atu.edu](mailto:rkoontz@atu.edu)



Kyle Wewers, APRN, Nurse Practitioner, [kwewers@atu.edu](mailto:kwewers@atu.edu)

Heather Stout, RN, Registered Nurse, [hstout1@atu.edu](mailto:hstout1@atu.edu)

Cori Hinson, RN, Registered Nurse, [cpoore1@atu.edu](mailto:cpoore1@atu.edu)

## **B. Responsible Employees and Formal Notice/Complaints**

Responsible employees (including student employees), with the exception of those who are designated as Confidential Resources, must promptly share with the Title IX Coordinator or the AA/EEO Officer all known details of a report made to them in the course of their employment.

Responsible employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Responsible Employees, as those details must be shared with the Title IX Coordinator or the AA/EEO Officer.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speakouts do not provide notice that must be reported to the Title IX Coordinator or the AA/EEO Officer by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from ATU.

Supportive measures may be offered as the result of such disclosures without formal ATU action.

Failure of a Responsible Employee, as described above in this section, to report an incident of harassment, discrimination, and/or retaliation of which they become aware is a violation of ATU policy, can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Responsible Employee is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though ATU is technically not on notice when a harasser is also a Responsible Employee unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Responsible Employee who is a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

## **20. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator and/or the AA/EEO Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator and/or the AA/EEO Officer has ultimate discretion over whether ATU proceeds when the Complainant does not wish to do so, and, in the case of alleged sex discrimination, the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process usually upon completion of an appropriate violence risk assessment. The Title IX Coordinator’s decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires ATU to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. ATU may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and ATU’s ability to pursue a formal grievance process fairly and effectively. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When ATU proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence and testimony.

Note that ATU's ability to remedy and respond to notice may be limited if the Complainant does not want ATU to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing ATU's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow ATU to honor that request, ATU will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, the complaint will be investigated and resolved through these procedures. Delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

## **21. Federal Timely Warning Obligations**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, ATU must issue timely warnings for Clery crimes, occurring within the Clery geography, reported to them that pose a serious or on-going threat to the campus community.

ATU will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **22. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under applicable ATU policies.

## **23. Amnesty for Students**

The ATU community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to ATU officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the ATU community that Complainants choose to report misconduct to ATU officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, ATU maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Department of Public Safety.

ATU maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, ATU may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

## **24. Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a. All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b. Hate crimes, which include any bias motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c. VAWA<sup>7</sup>-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations.

All personally identifiable information is kept private, but statistical information must be shared with the Department of Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily crime log.

## 25. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders and is particularly time-sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary’s Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

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<sup>7</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

## PROCESS A

### RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION (KNOWN AS PROCESS A)

#### 1. Overview

ATU will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (“the Policy”) that is received by the Title IX Coordinator<sup>8</sup>, the AA/ EEO Officer, or any other Official with Authority by applying these procedures, known as Process A.

Process A applies only to qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) involving students, staff, administrators, or faculty members.

If other policies are invoked, such as policies on protected characteristic harassment or discrimination, please see Appendix C for a description of the procedures applicable to the resolution of such offenses, known as Process B.

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through procedures described in the student, staff, and faculty handbooks.

#### 2. Notice/Complaint

Upon receipt of a Formal Complaint or notice of an alleged policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps ATU needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator will initiate at least one of three responses:

1. Offer supportive measures because the Complainant does not want to file a Formal Complaint
2. An informal resolution (upon submission of a Formal Complaint)
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

ATU uses the Formal Grievance Process to determine whether or not this Policy has been violated. If so, ATU will promptly implement effective remedies designed to ensure that ATU is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

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<sup>8</sup> Anywhere this procedure indicates “Title IX Coordinator”, the AA/EEO Officer may take action or ATU may substitute a trained designee.

### 3. Initial Assessment

Following receipt of a Formal Complaint or notice of an alleged violation of this Policy, the Title IX Coordinator<sup>9</sup> engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator attempts to meet with the Complainant to discuss and offer supportive measures, ensure the Complainant is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determines appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue.
    - If the alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply and will “dismiss” that aspect of the complaint, if any. The Title IX Coordinator will then assess which policies may apply, if any, and may refer the matter for resolution under Process B or applicable University policy. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, and does not limit ATU’s authority to address a complaint with another appropriate process and remedies.

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<sup>9</sup> If circumstances require, the ATU President or designee, or the Title IX Coordinator will designate another person to oversee the resolution process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.

- If the Complainant prefers an Informal Resolution option or a Formal Grievance Process and the Title IX Coordinator initially determines that the alleged misconduct falls within the scope of the 2020 Title IX regulations, the Title IX Coordinator will attempt to meet with the Respondent to provide them with a copy of the Formal Complaint, discuss and offer supportive measures, ensure the Respondent is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist. After the Title IX Coordinator provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's initial assessment of the alleged misconduct.

### **A. Violence Risk Assessment**

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

1. Emergency removal of a Respondent on the basis of immediate threat to an individual or community's physical health/safety;
2. Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;
3. Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
4. To help identify potential predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Assessment of appropriate sanctions/remedies (to be applied post-hearing);
9. Whether a Clery Act Timely Warning or campus ban is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE Team (ATU's behavioral intervention team) members. A VRA authorized by the Title IX Coordinator will occur in collaboration with the CARE Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about ATU's process for VRA can be found in Appendix B.

### **B. Dismissal (Mandatory and Discretionary)<sup>10</sup>**

ATU must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Title IX sexual harassment as defined above, even if proved

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<sup>10</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 C.F.R. Part 106.45.

- The conduct did not occur in an educational program or activity controlled by ATU (including buildings or property controlled by recognized student organizations), and/or ATU does not have jurisdiction over the Respondent
- The conduct did not occur against a person in the United States
- At the time of filing a Formal Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of ATU, and based on the information available, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of ATU.

ATU may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
2. The Respondent is no longer enrolled in or employed by ATU
3. Specific circumstances prevent ATU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

Upon any dismissal, ATU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

A complaint dismissed under Process A may be reviewed under an alternate ATU policy or process including Process B.

#### **4. Counterclaims**

ATU is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. ATU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the resolution process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

#### **5. Right to an Advisor**

The parties may each have one (1) Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available<sup>11</sup>.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

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<sup>11</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.



### **A. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community.

The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process. If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. A student Respondent alleged of a serious violation and the Complainant alleging a serious violation has the right to be represented by an Advisor they choose and the Advisor may fully participate during any disciplinary proceedings through the conclusion of any appellate process.

### **B. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

### **C. Advisors in Hearings/ATU-Appointed Advisor**

Under the Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

### **D. Pre-Interview Meetings**

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and procedures.

### **E. Advisor Violations of ATU Policy**

All Advisors are subject to the same ATU policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee<sup>12</sup>, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

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<sup>12</sup> Subject to the state law provisions or ATU policy above.



Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **F. Sharing Information with the Advisor**

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors. ATU provides a consent form that authorizes ATU to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator.

#### **G. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

#### **H. Expectations of an Advisor**

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. This process will not be delayed by the unavailability of an Advisor.

ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **I. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

### **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with ATU policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. ATU encourages parties to discuss any sharing of information with their Advisors before doing so.

The formal grievance process is ATU's primary resolution approach unless Informal Resolution is elected by all parties and ATU.

#### **A. Informal Resolution**

Three options for Informal Resolution are detailed in this section:

- **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- **Alternative Resolution.** When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, facilitated dialogue, etc. as described below, often before a formal investigation takes place.
- **Accepted Responsibility.** When the Respondent accepts responsibility for violating policy, and desires to accept the recommended sanction(s) and end the resolution process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The parties may not enter into an agreement that requires ATU to impose specific sanctions, though the parties can agree to certain restrictions/measures/terms or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution process that can result in sanctions levied by ATU is “Accepted Responsibility.”

Prior to implementing Informal Resolution, ATU will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures/terms that may result from participating in such a process, including information regarding any records that will be maintained or shared by ATU.

ATU will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. Results of complaints resolved by Informal Resolution are not appealable.

## **B. Alternate Resolution Approaches**

Alternate Resolution is an informal approach, including mediation, restorative practices facilitated dialogue, etc. by which parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties’ amenability to Alternate Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties’ motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternate Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The parties may not enter into an agreement that requires ATU to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. The only Informal Resolution process that can result in sanctions levied by ATU is “Accepted Responsibility.”

The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by Alternate Resolution are not appealable.

### **C. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and ATU are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of ATU policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

## **7. Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. The list of Pool members and a description of the Pool can be found at <https://www.atu.edu/titleix/pool.php>.

### **A. Pool Member Roles**

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

### **B. Pool Member Appointment**

The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality. Although members of the Pool<sup>13</sup> are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, ATU can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

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<sup>13</sup> External, trained third-party neutral professionals may also be used to serve in Pool roles. This does not preclude ATU from having all members of the Pool go through an application and/or interview/selection process.

### **C. Pool Member Training**

Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures
- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolutions processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complaints, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX staff including, Appeal Decision-Makers, intake personnel, Investigators, and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted at <https://www.atu.edu/titleix/pool.php>.

### **D. Pool Membership**

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources.

The Pool includes representatives who can rotate, upon appointment to serve in either the Advisor or Decision-Maker role.

Pool members are appointed for one-year terms which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

## **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations

- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that ATU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about ATU's policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that ATU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process
- Detail on how the party may request disability accommodations during the resolution process
- A link to ATU's VAWA brochure
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **9. Resolution Timeline**

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business-day time period, including appeal (if any), which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **10. Appointment of Investigator(s)**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an Investigator(s) to conduct the investigation. This information is provided to the parties in the NOIA.

## **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Dr. Keegan Nichols, Vice President for Student Affairs, at [knichols@atu.edu](mailto:knichols@atu.edu).

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent acknowledges responsibility or is determined to be responsible for a policy violation by the preponderance of the evidence standard.

## **12. Investigation Timeline**

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

A student Respondent alleged of a serious violation will be provided a copy of Act 470, the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter and will not be questioned by the University until at least twenty-four (24) hours after the receipt of Act 470 provided that campus law enforcement's ability to investigate a possible criminal violation is not impeded.

## **13. Delays in the Investigation Process and Interactions with Law Enforcement**

ATU may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

ATU will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. ATU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, ATU will implement supportive measures as deemed appropriate.

ATU action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## **14. Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

Recordings of interviews are not provided to the parties, but the parties will have the ability to review their interview summary once the investigator(s) has completed the summary document. All other interview summaries will be available for review when the draft investigation report is released.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist the Title IX Coordinator, if needed, with identifying all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting an initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and the witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible

- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information may be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which ATU does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) business days.
- May elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the draft report with the Title IX Coordinator for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing

## **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

## **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware audio and/or video recording. Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the investigator(s) has completed the summary document.

## **17. Evidentiary Considerations in the Investigation**

Neither the investigation nor the hearing consider: 1) incidents not relevant or not directly related to the

possible violation(s), unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

## **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation-when the final investigation report is transmitted to the parties and the Decision-Makers—unless all parties and the Decision-Makers agree to an expedited timeline.

The Title IX Coordinator or designee will select appropriate Decision-Makers from the Pool and provide a copy of the investigation report.

## **19. Hearing Decision-Makers Composition**

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three (3) members will be appointed as Chair by the Title IX Coordinator.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Chair.

## **20. Additional Evidentiary Considerations in the Hearing**

Any evidence that the Decision-Maker(s) determine(s) is relevant and credible may be considered.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct but may be considered in determining an appropriate sanction upon a determination of responsibility because ATU uses a progressive discipline system. In this case, the information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement and/or mitigation statement prior to the hearing for the consideration of the Decision-Maker(s) at the sanction stage of the process when a determination of responsibility is reached. Any such statement should be submitted to the Title IX Coordinator.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

## **21. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the



applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.

- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

## **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **23. Pre-Hearing Preparation**

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. For any evidence, excluding testimony, that is first offered at the hearing, the Chair may allow the new evidence to be introduced, delay the hearing, or may instruct that the investigation needs to be re-opened to consider that evidence. The Chair may also determine that the new information is not

relevant, was not submitted in a timely manner, and may not be introduced. In which case, the hearing will continue. The Chair may invite explanations or persuasive statements regarding the introduction of new evidence from the parties.

The parties will be given a list of the names of the Decision-Makers at least five (5) business days in advance of the hearing. All objections to any Decision-Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-Makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator or Chair will give the Decision-Makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

#### **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair should document and share with each party their rationale for any exclusion or inclusion at the pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask them to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

#### **25. Hearing Procedures**

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator (if needed), the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-Makers and the parties, and the witnesses will then be excused. The Investigator(s) may remain present for the duration of the hearing.

## **26. Joint Hearings**

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

## **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator, if needed. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **28. Investigator(s) Presentation of Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **29. Testimony and Questioning**

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors. Parties will have the opportunity to make an opening and a closing statement.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument

from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Refusal to Submit to Cross-Examination and Inferences**

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-Maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

### **31. Hearing Recordings**

Hearings (but not deliberations) are recorded by ATU for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-Makers, the parties, their Advisors, and appropriate administrators of ATU will be permitted to review the recording in a controlled environment as determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-Making, and Standard of Proof**

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). Each of the parties may request to review any impact and/or mitigation statement (s) upon receipt of the Notice of Outcome letter. The Decision-Makers will also review any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate sanction(s).

The Chair will, in collaboration with the other Decision-Makers, prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **33. Notice of Outcome**

Using the deliberation statement, the Chair will work with the Title IX Coordinator to prepare a Notice of Outcome letter. The Chair will then share the letter, which includes the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of finalizing the Decision-Makers' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the ATU from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with

parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent ATU is permitted to share such information under state or federal law; any sanction(s) issued which ATU is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to ATU's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered to be final by ATU, will note any changes to the outcome and/or sanctions(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

### **34. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanction(s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

#### **A. Student Sanctions**

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination<sup>14</sup>:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.

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<sup>14</sup> Subject to ATU's Organizational Code of Conduct

- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - Sponsorship of an education program;
  - Attendance at educational programs;
  - Requirement of members to complete educational training programs;
  - Attendance in conflict management training;
  - Educational service hours;
  - Attendance in ethics workshop/training;
  - Reflective exercises.
  - Research exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.
- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
- Loss of Scholarship: Scholarships awarded by ATU or ATU-related programs may be partially or fully revoked.
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

## **B. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade

- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

### 35. Withdrawal or Resignation Before Complaint Resolution

- A. Students:** Should a student Respondent decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process typically ends with a dismissal, as ATU no longer has disciplinary jurisdiction over the withdrawn student. However, ATU may continue the resolution process when, at the discretion of the Title IX Coordinator, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU in any capacity. Admissions and Human Resources will be notified accordingly. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and, if found in violation, that student is not permitted to return to ATU unless and until all sanctions, if any, have been satisfied.

- B. Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process typically ends with dismissal, as ATU no longer has disciplinary jurisdiction over the resigned employee. However, ATU may continue the resolution process when, at the discretion of the Title IX Coordinator and/or AA/EEO Officer, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and AA/EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### 36. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome letter. A student Respondent found responsible for a serious violation has twenty-five (25) days to submit an appeal.

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### **Respondent is a student or non-faculty employee:**

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

**Respondent is a faculty member:**

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

**A. Grounds for Appeal**

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s), and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Maker(s).

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s), and/or original Decision-Maker(s), as necessary, who will submit their responses, if any, in three (3) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed and/ or received in-person, notice will be presumptively delivered.

**B. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.



ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### **C. Appeal Considerations**

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker(s) to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-Maker(s) may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Maker(s) may order a new investigation and/or a new hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### **D. Vice President for Student Affairs Certification**

At the conclusion of a disciplinary proceeding or an appeal that involves an alleged serious violation by a student Respondent, the Vice President for Student Affairs will certify that the substantial rights of student complainants and respondents established by Act 470, the Arkansas Student Due Process and Protection Act, have been followed. The certification will be maintained in the administrative file.

## **37. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and/or the AA/EEO Officer may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator and/or the AA/EEO Officer, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator and/or the AA/EEO Officer will address any remedies

to be provided by ATU to the Respondent to ensure no effective denial of educational access.

ATU will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair ATU's ability to provide these services.

### **38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Makers, including the Appeal Decision-Maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from ATU. A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the AA/EEO Officer.

### **39. Recordkeeping**

ATU will maintain for a period of at least seven (7) years following the conclusion of the resolution process, records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the Respondent
3. Any remedies provided to the Complainant designed to restore or preserve equal access to ATU's education program or activity
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to train Title IX Coordinators, Investigators, Decision-Maker(s), and any person who facilitates an Informal Resolution process. ATU will make these training materials publicly available on ATU's website
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent
  - b. Any measures designed to restore or preserve equal access to ATU's education program or activity
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

ATU will also maintain any and all records in accordance with state and federal laws.

### **40. Disabilities Accommodations in the Resolution Process**

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to ATU's resolution process.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at [sleavell8@atu.edu](mailto:sleavell8@atu.edu) or Melissa Riffle, Director of Human Resources and AA/EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at [mriffle@atu.edu](mailto:mriffle@atu.edu). These individuals will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### **41. Revision of this Policy and Procedures**

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator and the AA/EEO Officer. ATU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator or the AA/EEO Officer may make minor modifications to procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules. The Title IX Coordinator and AA/EEO Officer may also vary procedures materially with notice

(on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally. This policy and procedures are effective August 14, 2020.

## APPENDIX A: GLOSSARY

- Advisor means a person chosen by a party or appointed by ATU to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- Appeal Decision-Maker means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.
- Arkansas Tech University herein referenced as “ATU”.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity.
- Confidential Resource means an employee who is not mandated to report notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority Status).
- Day means a business day when the ATU is in normal operation.
- Decision-Maker means the person or panel who hears evidence, determines relevance, and makes the final determination of whether this Policy has been violated and/or assigns sanctions.
- Directly Related Evidence is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-Maker(s). Compare to Relevant Evidence, below.
- Education program or activity means locations, events, or circumstances where ATU exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by ATU.
- Final Determination is a conclusion by preponderance of the evidence of whether or not the alleged conduct did or did not violate policy.
- Finding is a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- Formal Complaint means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that ATU investigate the allegation(s).
- Formal Grievance Process means a method of formal resolution designated by ATU to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- Grievance Process Pool includes any Investigator(s), hearing Decision-Makers, Appeal Decision-Maker(s), and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- Hearing Decision-Maker Panel refers to those who have decision-making and sanctioning authority within the ATU’s Formal Grievance process.
- Informal Resolution means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- Investigator means the person(s) authorized by ATU to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and file of directly related evidence.
- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA) means an employee of ATU explicitly vested with the authority to institute corrective measures for harassment, discrimination, and/or retaliation on behalf of ATU.

- Parties include the Complainant(s) and Respondent(s), collectively.
- Process A means the Formal Grievance Process used to address qualifying allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking involving students, staff, administrator, or faculty members.
- Process B means the administrative resolution procedures detailed in Appendix C that apply only when Process A does not, as determined by the Title IX Coordinator.
- Recipient means a postsecondary education program that is a recipient of federal funding.
- Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- Remedies are post-final determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to ATU's educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity under this Policy.
- Resolution means the result of an Informal Resolution or Formal Grievance Process.
- Responsible Employee means an employee of ATU who is mandated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator<sup>15</sup>.
- Sanction means a consequence imposed by ATU on a Respondent who is found to have violated this Policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- Student refers to each person who is currently enrolled, full-time or part-time, in any non-credit or credit courses pursuing undergraduate, graduate, or post-graduate/professional studies. For the purposes of this Policy and under the ATU Student Code of Conduct, a student may also be defined as any individual who is a concurrently enrolled high school student.
- Title IX Coordinator is at least one official designated by ATU to ensure compliance with Title IX and ATU's Title IX program. References to the Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

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<sup>15</sup> Not to be confused with a Mandated Reporter who is obligated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy. The ATU administrator designated to receive information from Responsible Employees may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability).

## APPENDIX B: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. An appraisal of risk factors that escalate the potential for violence
2. A determination of stabilizing influences that reduce the risk of violence
3. A contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
4. The application of intervention and management approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the CARE Team. The CARE Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment as outlined in the CARE Team Policy and Procedures and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric<sup>16</sup>, The Structured Interview for Violence Risk Assessment (SIVRA-35)<sup>17</sup>, Violence Risk Assessment of the Written Word (VRAWW)<sup>18</sup>, Workplace Assessment of Violence Risk (WAVR-21)<sup>19</sup>, Historical Clinical Risk Management (HCR-20)<sup>20</sup>, and MOSAIC<sup>21</sup>.

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The CARE Team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

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<sup>16</sup> [www.nabita.org](http://www.nabita.org)

<sup>17</sup> [www.nabita.org/resources/assessment-tools/sivra-35/](http://www.nabita.org/resources/assessment-tools/sivra-35/)

<sup>18</sup> <https://www.nabita.org/training/vraww/>

<sup>19</sup> [www.wavr21.com](http://www.wavr21.com)

<sup>20</sup> <http://hcr-20.com/>

<sup>21</sup> <https://www.mosaicmethod.com/>

## APPENDIX C: PROCESS B

It is the policy of ATU to maintain a University community as a place of study and work for students, staff, and faculty, free of harassment and discrimination. All students, staff, and faculty should be aware both that ATU is concerned and prepared to act to prevent and correct such behavior.

ATU may use Process B of this Policy for all protected-characteristic discrimination complaints, except for gender discrimination complaints that meet the qualifications to be heard under Process A in compliance with Title IX regulations published by the U. S. Department of Education in May 2020.

Please note the following:

- Process B is applicable for gender discrimination complaints when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- ATU can substitute any alternative process instead of Process B, if desired.
- In compliance with federal law, VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, etc.) may also be applicable to Process B.

### PROCESS B: RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION

ATU will act on complaints of alleged violation(s) of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures that is received by the Title IX Coordinator and/or the AA/EEO Officer, as articulated in the process outlined in this document.

The procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties.

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, and/or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

#### 1. Filing a Complaint

Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- A. File a written Formal Complaint with the Title IX Coordinator and/or the AA/EEO Officer<sup>22</sup>
- B. Report online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2). Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures. As used in this Policy, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator and/or the AA/EEO Officer will contact the Complainant to ensure that it is filed correctly.

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<sup>22</sup> If circumstances require, the President will designate another person to oversee the process below should an allegation be made about the Title IX Coordinator and/or AA/EEO Officer or should they be otherwise unavailable or unable to fulfill their duties.

An individual who believes that he or she has been subjected to discrimination, harassment, and/or retaliation should contact the Title IX Coordinator and/or the AA/EEO Officer who will review the facts presented.

The individual, if they are a faculty member, may additionally contact the Faculty Welfare Committee representative. No person shall be subject to restraints, interference, or reprisal for action taken in good faith to report or to seek advice in matters of discrimination, harassment, and/or retaliation.

## **2. Initial Assessment**

Following receipt of a Formal Complaint, the Title IX Coordinator and/or the AA/EEO Officer engages in an initial assessment, typically within one to five (1-5) business days. The steps in the initial assessment can include those listed below.

### **A. Complainant's Initial Meeting with the Title IX Coordinator or AA/EEO Officer**

The Title IX Coordinator or AA/EEO Officer will contact the Complainant to schedule an initial meeting. If the Complainant is not the alleged victim, the Title IX Coordinator or AA/EEO Officer also will contact the alleged victim as soon as possible to schedule an initial meeting. All mentions of the "Complainant" in items 1-7 of this subsection also apply to the alleged victim if the Complainant is not the alleged victim. At this initial meeting (or these initial meetings, in the case of a Complainant who is not the alleged victim), the Title IX Coordinator or AA/EEO Officer will, as applicable:

1. Provide the Complainant a copy of this Policy;
2. If not already submitted, request that the Complainant submit a written Formal Complaint which the Complainant may, if they agree to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation;
3. Review the ATU First Conversation Checklist;
4. Ensure the Complainant is aware of the right to have an Advisor;
5. Explain processes for Informal Resolution and Formal Complaint Resolution of the Complaint;
6. Explain the steps involved in an investigation;
7. Discuss confidentiality standards and concerns with the Complainant;
8. Determine whether the Complainant wishes to pursue a resolution (informal or formal) through ATU, or no resolution of any kind;
9. Discuss non-retaliation policy;
10. Discuss with the Complainant, as appropriate, possible supportive measures that can be provided to the Complainant, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
  - Referral to counseling, medical, and/or other healthcare services
  - Referral to the Employee Assistance Program
  - Referral to community-based service providers
  - Visa and immigration assistance
  - Student financial aid counseling
  - Education to the institutional community or community subgroup(s)
  - Altering campus housing assignment(s)
  - Altering work arrangements for employees or student-employees
  - Safety planning
  - Providing campus safety escorts
  - Providing transportation accommodations
  - Implementing contact limitations (no contact directives) between the parties
  - Academic support, extensions of deadlines, or other course/program-related adjustments
  - Campus ban letters
  - Timely warnings
  - Class schedule modifications, withdrawals, or leaves of absence
  - Increased security and monitoring of certain areas of the campus
  - Any other actions deemed appropriate by the Title IX Coordinator or the AA/EEO Officer



## **B. Respondent's Initial Meeting with the Title IX Coordinator or AA/EEO Officer**

If the Complainant wishes to pursue an informal or formal resolution through ATU or if the ATU otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinators or the AA/EEO Officer's initial meeting with the Complainant (and if applicable, the alleged victim), the Title IX Coordinator or AA/EEO Officer will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator or the AA/EEO Officer will, as applicable:

1. Provide Respondent with a copy of the Formal Complaint;
2. Provide Respondent with a copy of this Policy;
3. Review the ATU First Conversation Checklist;
4. Ensure the Respondent is aware of the right to have an Advisor;
5. Explain the ATU's procedures for Informal Resolution Process and Formal Complaint Resolution Process of the Complaint (share option being pursued by Complainant);
6. Explain the steps involved in an investigation;
7. Discuss confidentiality standards and concerns with the Respondent;
8. Discuss non-retaliation policy;
9. Discuss with the Respondent, as appropriate, possible supportive measures that can be provided, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
  - Referral to counseling, medical, and/or other healthcare services
  - Referral to the Employee Assistance Program
  - Referral to community-based service providers
  - Visa and immigration assistance
  - Student financial aid counseling
  - Education to the institutional community or community subgroup(s)
  - Altering campus housing assignment(s)
  - Altering work arrangements for employees or student-employees
  - Safety planning
  - Providing campus safety escorts
  - Providing transportation accommodations
  - Implementing contact limitations (no contact directives) between the parties
  - Academic support, extensions of deadlines, or other course/program-related adjustments
  - Campus ban letters
  - Timely warnings
  - Class schedule modifications, withdrawals, or leaves of absence
  - Increased security and monitoring of certain areas of the campus
  - Any other actions deemed appropriate by the Title IX Coordinator or the AA/EEO Officer
10. After the Title IX Coordinator or AA/EEO Officer provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's or AA/EEO Officer's initial assessment of the alleged misconduct.

## **C. Violence Risk Assessment**

In some cases, the Title IX Coordinator and/or the AA/EEO Officer may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

1. Interim suspension of a Respondent who is a threat to an individual or the community's physical health/safety;
2. Whether the Title IX Coordinator and/or the AA/EEO Officer should pursue a Complaint absent a willing/able Complainant;
3. Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
4. To help identify potentially predatory conduct;

5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Assessment of appropriate sanctions/remedies (to be applied post-hearing);
9. Whether a Clery Act Timely Warning or campus ban is needed.

More about the ATU's process for VRA can be found in Appendix B.

### 3. Resolution Options

Based on the initial assessment, ATU will initiate one of three responses:

- **Supportive Response** – measures to help restore the Complainant's education/work access, as described in the Policy.
- **Informal Resolution Process** – may be used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating policy.
- **Formal Complaint Resolution Process** – investigation of alleged policy violation(s) and recommended finding, subject to a determination by the Decision-Makers and the opportunity to appeal.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator or the AA/EEO Officer. At any point during the initial assessment or formal investigation, if the Title IX Coordinator or the AA/EEO Officer determines that reasonable cause does not support the conclusion that this Policy has been violated, the process will end, and the parties will be notified. The Complainant may request that the Title IX Coordinator or the AA/EEO Officer review the reasonable cause determination and/or re-open the formal investigation. This decision lies in the sole discretion of the Title IX Coordinator or the AA/EEO Officer, but the request is usually only granted in extraordinary circumstances.

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with ATU Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

#### Informal Resolution Process

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Informal Resolution, when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator and/or the AA/EEO Officer can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator and/or the AA/EEO Officer has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Complaint Resolution Process, and any party participating in Informal Resolution can stop the process at any time and request the Formal Complaint Resolution Process. Further, if an Informal Resolution fails after the resolution is finalized, Formal Complaint Resolution Process may be pursued.

#### A. Informal Resolution Remedies

ATU methods for resolving complaints informally include, but are not limited to:

- Mediating between the Complainant and the Respondent
- Aiding in the modification of the situation in which the alleged misconduct occurred
- Assisting a department or division with the resolution of a situation
- Arranging for a documented meeting between the Respondent and an ATU official that involves, at a minimum, a discussion of the requirements of the Policy

Institutionally imposed sanctions are not possible as the result of this process, though the parties may agree to accept terms and/or appropriate remedies.

#### B. Respondent Accepts Responsibility for Alleged Violations

At any time prior to the date of the hearing, the Respondent may elect to acknowledge their actions and take responsibility for the alleged conduct. In such a situation, the Title IX Coordinator or the AA/EEO Officer will propose sanction(s). If the Complainant and the Respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining a sanction(s), which determination may be subject to appeal as outlined in this Policy.

#### **Formal Complaint Resolution Process**

The Formal Complaint Resolution Process can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy if proven. The Formal Complaint Resolution Process starts with a thorough, reliable, and impartial investigation and concludes with a hearing.

The Title IX Coordinator or the AA/EEO Officer will provide notice of the allegations and investigation to the Respondent upon commencement of the Formal Complaint Resolution Process. This notice is also copied to the Complainant. Notification will be made in writing, include a meaningful summary of the allegations, policies allegedly violated, if known at the time, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued or designated email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Investigator(s) to conduct the investigation. The Title IX Coordinator or the AA/EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator(s) will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator and/or the AA/EEO Officer, concerns should be raised with Dr. Keegan Nichols, Vice President for Student Affairs, or the Vice President for Administration and Finance respectively.

ATU aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or the AA/EEO Officer, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. ATU will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. ATU may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke ATU's resolution process are being investigated by law enforcement. ATU will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. ATU action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

#### **4. Resolution Process Pool**

The Formal Complaint Resolution Process relies on a pool of officials ("Pool") to carry out the process. The list of members and a description of the Pool can be found at <https://www.atu.edu/titleix/pool.php>. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator and the AA/EEO Officer:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

The Title IX Coordinator and the AA/EEO Officer, in consultation with the President, appoints the Pool, which acts with independence and impartiality.

The Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures
- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX staff, including Appeal Decision-Makers, intake personnel, Investigators, and Chairs. All Pool members are required to attend this annual training.

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources. The pool includes those representatives who can rotate, upon appointment to serve in either the Advisor or Decision-Maker role.

Pool members are usually appointed to one-year terms, which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator or the AA/EEO Officer.

## **5. Counterclaims**

ATU permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures in this Policy, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator or the AA/EEO Officer. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

## **6. Advisors**

The parties may each have one (1) Advisor<sup>23</sup> of their choice present with them for all meetings and interviews within the resolution processes, if they so choose. The parties may select whomever they wish to serve as their

Advisor as long as the Advisor is eligible and available<sup>24</sup>.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

#### **A. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community.

The Title IX Coordinator and/or the AA/EEO Officer will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process. If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. A student Respondent alleged of a serious violation and the Complainant alleging a serious violation has the right to be represented by an Advisor they choose and the Advisor may fully participate during any disciplinary proceedings through the conclusion of any appellate process.

#### **B. Advisors in Hearings/ATU-Appointed Advisor**

A form of indirect questioning is allowed during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

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<sup>23</sup> This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally)

<sup>24</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

### **C. Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

### **D. Pre-Interview Meetings**

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and procedures.

### **E. Advisor Violations of ATU Policy**

All Advisors are subject to the same ATU policies and procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>25</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding, during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator and/or the AA/EEO Officer will determine how to address the Advisor's non-compliance and future role.

### **F. Sharing Information with the Advisor**

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors.

ATU provides a consent form that authorizes ATU to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator and/or the AA/EEO Officer or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator and/or the AA/EEO Officer.

### **G. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

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Subject to the state law provisions or ATU policy above.

## **H. Expectations of an Advisor**

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

## **I. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator and/or the AA/EEO Officer if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator and/or the AA/EEO Officer of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

## **7. Investigation**

Both the Complainant and the Respondent will be individually interviewed as a part of the investigation as will any witnesses or persons who have information related to the Formal Complaint. Documents relevant to the Formal Complaint will also be examined. A student Respondent alleged of a serious violation will be provided a copy of Act 470, the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter and will not be questioned by the University until at least twenty-four (24) hours after the receipt of Act 470 provided that campus law enforcement's ability to investigate a possible criminal violation is not impeded.

The Investigator(s) typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist, if needed, in identifying all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator or the AA/EEO Officer, if needed, with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed
- Provide each party with a full and fair opportunity to respond to the report in writing within ten (10) business days and incorporate that response into the report
- Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-

ending feedback loop

- Gather, assess, and synthesize evidence but make no conclusion and render no recommendations as part of their report
- Share the draft report with the Title IX Coordinator or the AA/EEO Officer for review and feedback
- Provide the final report to the Title IX Coordinator or the AA/EEO Officer

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## **8. Resolution Timeline**

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal (if any), which can be extended as necessary for appropriate cause by the Title IX Coordinator or the AA/EEO Officer, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **9. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, the AA/EEO Officer, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator or the AA/EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator or the AA/EEO Officer, concerns should be raised with Dr. Keegan Nichols, Vice President for Student Affairs, at [knichols@atu.edu](mailto:knichols@atu.edu) or the Vice President for Administration and Finance, respectively.

The Formal Complaint Resolution Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent acknowledges responsibility or is determined to be responsible for a policy violation by the preponderance of the evidence standard.

## **10. Additional Details of the Investigation Process**

### **A. Witness responsibilities**

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint. Failure to participate may hinder ATU's ability to stop, remedy, and prevent the described forms of discrimination and harassment.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

### **B. Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the



Investigator(s) or Decision-Makers determine that timeliness or efficiency dictates a need for remote interviewing. Where remote technologies are used, ATU makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

### **C. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the investigator(s) has completed the summary document.

### **D. Evidence**

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct. Investigator(s) and/or Decision-Makers may elect to decline hearing from witnesses solely classified as character witnesses.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction(s) upon a determination of responsibility because ATU uses a progressive discipline system. This information is only considered at the sanctioning stage of the process.

The parties may each submit a written impact and/or mitigation statements to the Title IX Coordinator or the AA/EEO Officer prior to the hearing for the consideration of the Decision-Maker(s) at the sanctioning stage of the process if a determination of responsibility is reached.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

## **11. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator or the AA/EEO Officer will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the Decision-Makers, unless all parties and the Decision-Makers agree to an expedited timeline. The Title IX Coordinator or the AA/EEO Officer will select appropriate Decision-Makers from the Pool.

## **12. Hearing Panel Composition**

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator or AA/EEO Officer. One of the three (3) members will be appointed as Chair by the Title IX Coordinator or the AA/EEO Officer.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator or AA/EEO Officer may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator or AA/EEO Officer may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a

conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair.

### **13. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, AA/EEO Officer, or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice may contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator, AA/EEO Officer, or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator or the AA/EEO Officer at least five (5) business days prior to the hearing.
- An invitation to each party to submit to the Chair the questions or topics (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendation for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair will document and share their rationale for any relevance determination.
- Notification in advance of the hearing of any witnesses that do not need to be present if the Chair has determined their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing and both parties are in full agreement.
- Information on how the hearing will be recorded and how the parties can access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator or the AA/EEO Officer if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator or the AA/EEO Officer an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator or AA/EEO Officer to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

#### **14. Hearing Procedures**

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, if needed, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-Makers and the parties, and will then be excused. The Investigator(s) may remain present for the duration of the hearing.

#### **15. Joint Hearings**

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator or the AA/EEO Officer may permit the investigations and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged policy violation.

#### **16. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator or the AA/EEO Officer. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

#### **17. Investigator(s) Presentation of Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

#### **18. Testimony and Questioning**

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors. Parties will have the opportunity to make an opening and a closing statement.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be

permitted, disallowed, or rephrased.

The Chair may invite explanation or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator, the AA/EEO Officer, and/or legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## **19. Decision**

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s).

The Decision-Makers will review the statements and any conduct history provided by the Title IX Coordinator and/or the AA/EEO Officer and will determine the appropriate sanction(s).

The Chair, in collaboration with the other Decision-Makers, will then prepare a written deliberation statement and deliver it to the Title IX Coordinator or AA/ EEO Officer.

The statement must be submitted to the Title IX Coordinator or AA/EEO Officer within two (2) business days of the end of deliberations, unless the Title IX Coordinator or AA/EEO Officer grants an extension. If an extension is granted, the Title IX Coordinator or AA/EEO Officer will notify the parties.

## **20. Notice of Outcome**

Using the deliberation statement, the Chair will work with the Title IX Coordinator or the AA/EEO Officer to prepare a Notice of Outcome. The Title IX Coordinator or AA/EEO Officer will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-Makers' deliberation statement as permitted to share under state or federal law.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will detail when the determination is considered final. Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party.

## **21. Sanctions**

Factors considered when determining any sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination,

harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanction(s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by outside authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a grievance process at any time, and/or referring that information to another process for resolution.

#### **A. Student Sanctions**

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination<sup>26</sup>:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - Sponsorship of an education program;
  - Attendance at educational programs;
  - Requirement of members to complete educational training programs;
  - Attendance in conflict management training;
  - Educational service hours;
  - Attendance in ethics workshop/training;
  - Reflective exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.

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<sup>26</sup> Subject to ATU's RSO Code of Conduct sanctions.

- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
- Loss of Scholarship: Scholarships awarded by the University or University-related programs may be partially or fully revoked.
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

## **B. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor
- Administrative Leave/Suspension with Pay
- Administrative Leave/Suspension without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

## **22. Withdrawal or Resignation While Charges are Pending**

**Students:** If a student has an allegation pending for violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, ATU may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the withdrawn student.

However, ATU will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to ATU unless and

until all sanctions have been satisfied.

**Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the resigned employee.

The employee who resigns with unresolved allegations pending is not eligible for rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and AA/EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

## **23. Appeals**

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator or the AA/EEO Officer within five (5) business days of the delivery of the written finding of the Decision-Maker(s). A student Respondent found responsible for a serious violation has twenty-five (25) days to submit an appeal.

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

### **Respondent is a student or non-faculty employee:**

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

### **Respondent is a faculty member:**

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator or AA/EEO Officer, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s) and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator or AA/EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers.

All other parties and their Advisors, the Title IX Coordinator or the AA/EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator or the AA/EEO Officer, the Investigator(s), and/or original Decision-Makers, as necessary, who will submit their responses, if any, in three (3) business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

#### **Appeal Considerations**

- Appeals are not intended to provide for a full rehearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-Maker may consult with the Title IX Coordinator or the AA/EEO Officer on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained. Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Makers may order a new investigation and/or hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### **24. Vice President for Student Affairs Certification**

At the conclusion of a disciplinary proceeding or an appeal that involves a serious violation, the Vice President for Student Affairs will certify that the substantial rights of student complainants and respondents established in the Arkansas Student Due Process and Protection Act have been followed. The certification will be maintained in the administrative file.



## **25. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator or the AA/EEO Officer may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator or the AA/EEO Officer, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator or the AA/EEO Officer will address any remedies to be provided by ATU to the Respondent.

## **26. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from ATU. A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the AA/EEO Officer.

## **27. Recordkeeping**

ATU will maintain for a period of at least seven (7) years records of complaints filed under Process B. ATU will also maintain any and all records in accordance with state and federal laws.

## **28. Disabilities Accommodation in the Resolution Process**

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at ATU.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at [sleavell@atu.edu](mailto:sleavell@atu.edu) or Melissa Riffle, Director of Human Resources and AA/EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at [mriffle@atu.edu](mailto:mriffle@atu.edu). These individuals will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## **29. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator and the AA/EEO Officer. ATU reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator or the AA/EEO Officer may make minor modifications to these procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules.

The Title IX Coordinator or the AA/EEO Officer may also vary procedures materially with notice (on the ATU website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or

procedural alterations not reflected in this Policy and procedure.

Policy and procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy was implemented in August 2020.

## Appendix D: Suggested Actions for Victims of Sexual Assault

If you have experienced a form of sexual assault, please consider your options. ATU's first priority is to help you take steps to address your safety, medical needs, and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a complaint at ATU or criminal charges.

### 1. Ensure Your Physical Safety.

You may seek help from local law enforcement agencies by dialing 911.

### 2. Seek Medical Assistance and Treatment.

Local options for medical care include the ATU Health and Wellness Center, Saint Mary's Regional Medical Center in Russellville, and Mercy Hospital in Ozark. Even if you do not believe you have urgent medical needs, it is crucial that you obtain medical attention as soon as possible after experiencing sexual misconduct to determine the possibilities of physical injury and to prevent or treat sexually transmitted infections.

The Health and Wellness Center at Arkansas Tech University can help survivors of sexual misconduct sort through their feelings and begin the recovery process. The professionals at Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers, law enforcement, and Title IX. Staff in the Health and Wellness Center can provide:

- Counseling services (free for all students)
- Sexually transmitted infection testing and treatment
- Women's health services

Saint Mary's Regional Medical Center in Russellville and Mercy Hospital in Ozark offer many services 24/7 for survivors of sexual and interpersonal violence such as:

- Prevention and treatment of sexually transmitted infections as well as pregnancy prevention
- Forensic evidence collection such as DNA and injury documentation
- Screening for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs)

### 3. Preserve Evidence.

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders, and is particularly time-sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary's Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may

still be collected even if you do.

- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

#### **4. Obtain Emotional Support.**

The ATU Health and Wellness Center can assist victims sort through their feelings and begin the recovery process. The professionals in Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, Counseling Services are strictly confidential, are not part of students' ATU records, and will not be reported to other ATU personnel.

#### **5. Obtain Information/Report Misconduct.**

You are encouraged to report incidents of sexual assault to ATU's Title IX Coordinator or other designated University individuals or offices as outlined in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (even if you have filed a report directly with law enforcement). Further information about how to report sexual assault is provided in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures. ATU staff in the Title IX Office can help you access resources and can provide you with support and information, including information on the ATU's procedures for investigating and addressing instances of sexual assault.

## **IMPORTANT CONTACT INFORMATION**

### **ATU Resources**

#### **Title IX Office**

Russellville

Amy Pennington, AVP/Dean of Students and Title IX Coordinator

479-968-0407

[apennington@atu.edu](mailto:apennington@atu.edu)

Doc Bryan Student Services Center, Suite 233

Russellville, AR 72801

Ashlee Leavell, Assistant Dean for Student Wellness/Deputy Title IX Coordinator

479-968-0302

[sleavell8@atu.edu](mailto:sleavell8@atu.edu)

Doc Bryan Student Services Center, Suite 141

Russellville, AR 72801

Melissa Riffle, Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator

479-968-0396

[mriffle@atu.edu](mailto:mriffle@atu.edu)

Brown Hall, Suite 434

Russellville, AR 72801

#### **Title IX Office**

Ozark

Mitzi Reano, Project/Program Specialist and Deputy Title IX Coordinator

479-667-2117 ext. 6532

[mreano@atu.edu](mailto:mreano@atu.edu)

Technology and Academic Support Building, Room 154

Ozark, AR 72949

## Law Enforcement Resources

In case of emergency, dial 911.

On Campus – Russellville: Assistance can be obtained 24 hours a day, 7 days a week, from the Arkansas Tech University Department of Public Safety located at 716 North El Paso Avenue and available by telephone at 479-968-0222 or dialing 911.

On Campus – Ozark: Assistance can be obtained from 8 am to 5 pm, Monday through Friday by contacting Officer David Spicer, Public Safety Officer, located at the Collegiate Career Center, Room 100C, 1700 Helberg Lane or by telephone at 479-508-3359 or dialing 911.

## Health and Wellness Center

Counseling Services and Health Services are available to students on both the Russellville and Ozark campuses by calling the Health and Wellness Center at 479-968-0329 or visiting in-person in the Doc Bryan Student Services Center, Suite 119, Russellville, AR. For more information on the Health and Wellness Center please visit <https://www.atu.edu/hwc/>.

You may also contact a licensed counselor or health care provider directly. A contact list is provided below:

### Counseling Services:

Kristy Davis, LPC, Associate Dean for Student Wellness, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)

Janis Taylor, LPC, Counselor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu)

Hunter Bramlitt, LPC, Counselor, [jbramlitt@atu.edu](mailto:jbramlitt@atu.edu)

Leann Watson, LPC, Counselor, [lwatson12@atu.edu](mailto:lwatson12@atu.edu)

Dillon Webster, LAC, Counselor, [dwebster@atu.edu](mailto:dwebster@atu.edu)

### Health Services:

Robin Joslin, APRN, Nurse Practitioner, [rkoontz@atu.edu](mailto:rkoontz@atu.edu)

Kyle Wewers, APRN, Nurse Practitioner, [kwewers@atu.edu](mailto:kwewers@atu.edu)

Ashley Shrives, APRN, Nurse Practitioner, [ashrives@atu.edu](mailto:ashrives@atu.edu)

Heather Stout, RN, Registered Nurse, [hstout1@atu.edu](mailto:hstout1@atu.edu)

Cori Hinson, RN, Registered Nurse, [cpoore1@atu.edu](mailto:cpoore1@atu.edu)

Brittany Holt, LPN, Licensed Practical Nurse, [bholt9@atu.edu](mailto:bholt9@atu.edu)

## Community Resources

Saint Mary's Regional Medical Center  
1808 West Main Street, Russellville, AR 72801  
479-968-2841

Mercy Hospital  
801 West River, Ozark, AR 72949  
479-667-4138

Victim Assistance Outreach Program

The 5th Judicial District Prosecuting Attorney's Office's Victim Assistance Outreach Program provides assistance with:

- Orders of Protection
- Contacting Law Enforcement Agencies
- VINE (Victim Identification and Notification Everyday)
- Arkansas Crime Victims Reparations Program (assists with financial compensation, counseling, lost wages, and funeral expenses)
- Referrals to other community services such as the Ozark Rape Crisis Center, River Valley Shelter, and Crisis Intervention Center
- Information on the criminal court process

The Arkansas Victim Assistance Coordinator for Pope County can be reached at 479-968-8600 and the Coordinator for

Johnson and Franklin County can be reached at 479-705-0579.

#### Arkansas Coalition Against Sexual Assault

The Arkansas Coalition Against Sexual Assault provides a 24-hour Sexual Assault Crisis Response Hotline. The hotline telephone number is 1-800-656-4673 and the website can be located at <https://www.arkcasa.org/>.

#### Arkansas Coalition Against Domestic Violence

The U. S. Hotline number is 1-800-799-7233. List of domestic violence shelters throughout the state: <https://www.domesticpeace.com/>

#### Ozark Rape Crisis Center

With locations in Clarksville and Russellville, Arkansas, this entity provides 24-hour crisis intervention. The hotline telephone number is 1-800-818-1189 and the website can be located at <https://www.ozarkrapecrisiscenter.org>.

#### National Domestic Violence Hotline

24-hour hotline: 1-800-799-(SAFE) 7233

24-hour live chat: [www.thehotline.org](http://www.thehotline.org)

#### National Sexual Assault Hotline

24-hour hotline: 1-800-656-4673

24-hour online hotline: <https://hotline.rainn.org/online>

## **Article IV: Adjudication of Student Misconduct and Appeals Process**

### **A. Filing Complaints**

1. Any member of the University community may file a complaint against a student for alleged violation(s) of the Student Code of Conduct.
2. Complaints alleging a violation of the Student Code of Conduct should be submitted as soon as possible after the incident.
3. Complaints shall be prepared in writing and directed to the Student Conduct Administrator. The Student Conduct Administrator is Amy N. Pennington, AVP/ Dean of Students and Title IX Coordinator, Doc Bryan Student Services Center, Suite 233, [apennington@atu.edu](mailto:apennington@atu.edu). Complaints may also be made online by utilizing the incident report form on the Student Conduct website <https://cm.maxient.com/reportingform.php?ArkansasTechUniv>.
4. The Student Conduct Administrator or designee will assign the case to a conduct advisor to initiate the conduct process.
5. The respondent shall be presumed not responsible for a violation until the respondent acknowledges responsibility or is determined to be responsible by a preponderance of the evidence at the conclusion of a disciplinary proceeding.

### **B. Preliminary Conference**

1. The conduct advisor will present all charges, supporting documentation and meeting notification (Preliminary Conference Summons Letter) to the respondent in written form sent to the official ATU email address (along with a text message alert when available) of the respondent. This shall constitute full and adequate notice. The failure of a student to check their ATU email account, or the refusal or inability to accept the emailed notice, shall not constitute good cause for failure to comply with the notification. A student or RSO alleged of a serious violation will be provided a copy of Act 470, the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter in the Preliminary Conference Summons Letter and the preliminary conference will not be scheduled until at least twenty-four (24) hours after the receipt of the summons.
2. The respondent shall meet with the conduct advisor in a preliminary conference.
3. The conduct advisor will review the charges and supporting documentation, advise the respondent of due process rights, and explain the Student Code of Conduct adjudication process during the preliminary conference.
4. The conduct advisor shall offer the respondent an opportunity to informally resolve the alleged violation.
  - a. The informal resolution process involves a review of the incident and discussion of the possible sanction(s).
  - b. If the respondent acknowledges responsibility for the violation and the resolution offered by the conduct advisor, the respondent and the conduct advisor shall complete an informal resolution agreement, which shall include information regarding the violations for which the respondent has been found responsible, the resulting sanctions, and signature (when applicable) of both the respondent and conduct advisor.
  - c. When the respondent agrees to take responsibility for the violation and the sanction recommended by the conduct advisor, the case will be settled and there shall be no subsequent proceedings.
  - d. The respondent has three (3) business days from the date of signing the informal resolution agreement to reconsider the agreement and request a formal hearing.
  - e. If the respondent wishes to request a formal hearing, they shall file a request for a formal hearing by notifying the Conduct Advisor. A student or RSO alleged of a serious violation has the right to have a live hearing and be present at the hearing unless waived by the student or RSO. The signed waiver will be provided in writing by the student or RSO. The student or RSO will receive a copy of the completed waiver, and a copy will be maintained in the administrative file. If a student or RSO waives the right to be present, they forfeit the right to make an opening and closing statement, present relevant evidence, cross-examine adverse witnesses through an advisor, or appeal the decision of the Student Affairs Conduct Board. A respondent's failure to participate in the conduct process does not preclude the University from conducting the hearing in their absence.
  - f. The University shall maintain an administrative file of all disciplinary proceedings. The respondent and

complainant involved in alleged serious violations may have reasonable continuing access to the administrative file by contacting the Department of Student Conduct to schedule a reasonable date and time for review beginning at least seven (7) business days before the formal hearing. Portions of the administrative file shall be redacted if confidentiality of the evidence is required. Each record of any disciplinary process or sanction imposed under the Student Code of Conduct involving a respondent and other students may constitute an educational record the release of which is governed by FERPA.

- g. The outcome of an informal resolution cannot be contested after three (3) business days.
  - h. The outcome of a formal hearing shall replace any agreements made during the informal resolution.
  - i. If the charge(s) cannot be settled by mutual consent of the respondent and the conduct advisor, if the respondent maintains they are not responsible for the alleged violation(s), or the respondent fails to attend the preliminary conference, the case will be forwarded to the Student Conduct Administrator for referral to a conduct body for a formal hearing.
  - j. A formal hearing shall be set to occur no less than five (5) business days and no more than ten (10) business days after the Student Conduct Administrator refers the case for a formal hearing. Time limits for scheduling of formal hearings may be adjusted at the discretion of the Student Conduct Administrator. A formal hearing for a student or RSO alleged of a serious violation shall be set to occur no less than seven (7) business days after the Student Conduct Administrator refers the case for a formal hearing.
  - k. The conduct advisor may also determine that the respondent is not responsible or that insufficient evidence exists to reach a finding of responsible for the alleged violation(s). This determination does not prevent the Department of Student Conduct from pursuing a subsequent complaint should new evidence become available.
- 5. The conduct advisor may later serve in the same matter as a member of the conduct body.
  - 6. The respondent may request one change in the date and time of the preliminary conference by requesting the change 24 hours prior to the scheduled conference by contacting the Conduct Advisor.
  - 7. Failure of the respondent to attend the preliminary conference will result in a formal hearing being scheduled.

## **C. Formal Hearing**

If the charges cannot be settled by mutual consent of the respondent and the conduct advisor or if the respondent maintains they are not responsible for the alleged violation(s), the Student Conduct Administrator will refer case to the Student Affairs Conduct Board to adjudicate the case in a formal hearing.

### **Composition of the Student Affairs Conduct Board**

This conduct body is assigned to conduct formal hearings involving alleged violation(s) of the Student Code of Conduct that cannot be settled during a preliminary conference. The conduct board is composed of the following members, appointed by the Student Conduct Administrator: One (1) student representing membership from the following groups: Student Government Association, IFC/CPC/NPHC, Residence Hall Association, Student Activities Board, or an officer from an ATU Registered Student Organization; One (1) Resident Assistant; Two (2) Students at-large; One (1) Residence Life staff member; One (1) Student Affairs staff member. The Student Conduct Administrator or designee will serve as the chairperson. The Student Affairs Conduct Board will hear the case and determine if the policy was violated, and, if applicable, the appropriate sanction(s). All participants are bound to confidentiality in accordance with the federal Family Educational Rights and Privacy Act (FERPA). Students serving on the Student Affairs Conduct Board must be full-time, in good academic standing, and demonstrate satisfactory conduct history. In cases involving a serious violation, no individual will carry out more than one (1) of the following roles with respect to the disciplinary proceeding: investigator, adjudicator, or appellate adjudicator. However, if the matter is not resolved at a preliminary conference, the conduct advisor (adjudicator) is allowed to serve on or chair the Student Affairs Conduct Board.

### **Hearing Guidelines**

- 1. Hearings shall normally be conducted in private.
- 2. The complainant, the respondent, and their advisors (if any), shall be allowed to attend the entire portion of the student conduct hearing at which information is received excluding deliberation. Admission of any person



to the hearing who is not a party or potential witness shall be at the discretion of the conduct body and/or the chairperson of the conduct body.

3. In hearings involving more than one respondent, the Student Conduct Administrator or designee may at his or her sole discretion permit the hearings concerning each respondent to be conducted separately or jointly.
4. The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense. The complainant and/or respondent is responsible for presenting his or her own information. Advisors are not permitted to speak or to participate directly in any student conduct hearing. The complainant and respondent must notify the Student Conduct Administrator who they are bringing at least 72 hours prior to the hearing. A complainant and respondent should select as an advisor, a person whose schedule allows attendance at the scheduled date and time of the student conduct hearing; delays will not normally be allowed due to the scheduling conflicts of an advisor. A student or RSO alleged of a serious violation and the complainant alleging a serious violation has the right to be represented by any advisor they choose and the advisor may fully participate, as defined in Act 470, during the disciplinary proceeding and through the conclusion of any appellate process.
5. The complainant, the respondent, and the conduct body shall have the privilege of presenting witnesses, subject to the right of cross examination by the conduct body.
6. The complainant, the respondent, and the conduct body may arrange for witnesses to present pertinent information to the Student Affairs Conduct Board. Witnesses will provide information to and answer questions from the Student Affairs Conduct Board. The complainant and respondent will not be allowed to directly cross-examine each other or witnesses. Requested witnesses must be provided to the Student Conduct Administrator at least 72 hours prior to the hearing. A student or RSO alleged of a serious violation has the opportunity to cross-examine adverse witnesses through their advisor. A party who does not select an advisor forfeits the right to cross-examination during the hearing.
7. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the conduct body at the discretion of the chairperson. This information must be provided to the Student Conduct Administrator at least 72 hours prior to the hearing. A student or RSO alleged of a serious violation has the opportunity to make an opening and closing statement.
8. All procedural questions are subject to the final decision of the chairperson of the conduct body or Student Conduct Administrator or designee.
9. After the portion of the hearing concludes in which all pertinent information has been received and the respondent, complainant, and witnesses are dismissed, the conduct body shall determine by majority vote whether the respondent has violated each section of the Student Code of Conduct in which the respondent is charged and determine the sanction(s), if any.
10. The determination of the conduct body shall be made on the preponderance of the evidence standard of proof, whether it is more likely than not that the respondent violated the Student Code of Conduct.
11. Formal rules of process, procedure, and/or technical rules of evidence, such as applied in criminal or civil court, are not used in the Student Affairs Conduct Board proceedings. However, a good faith effort to include only relevant evidence and exclude evidence that is neither relevant nor probative will be made.
12. There shall be a single verbatim record, such as a digital recording, of all hearings before the Student Affairs Conduct Board, not including deliberations. The recording shall be the property of the University.
13. If the respondent does not appear before the conduct body for the formal hearing, the formal hearing will proceed in absentia.
14. The conduct body may accommodate concerns for the personal safety, well-being, retaliation, and/or fears of the confrontation of the complainant, respondent, and/or other witnesses during the formal hearing by providing a visual screen and/or by permitting participation by telephone, video conferencing, or by other means at the discretion of the Student Conduct Administrator or designee.
15. After the formal hearing, the Student Conduct Administrator will advise the respondent in writing of the determination of the conduct body and any imposed sanction. Each record of any disciplinary process or sanction imposed under the Student Code of Conduct involving a respondent and any alleged victim may constitute an educational record the release of which is governed by FERPA.

## D. Sanctions

1. The following sanctions may be imposed singularly or in combination upon any student found to have violated the Student Code Conduct:
  - a. **Warning.** A formal statement that the conduct was unacceptable and a warning that further violation of any ATU policy, procedure, or directive will result in more severe sanctions/responsive actions.
  - b. **Probation.** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated
  - c. **Loss of Privileges.** Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
  - d. **Monetary Fines.** A penalty imposed involving the collection of fees from the student.
  - e. **Restitution.** Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Educational Sanctions.** Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
    - i. Sponsorship of an educational program;
    - ii. Attendance at educational programs;
    - iii. Requirement of members to complete educational training programs;
    - iv. Attendance in conflict management training;
    - v. Educational service hours;
    - vi. Attendance in ethics workshop/training;
    - vii. Reflective exercises;
    - viii. Research exercises.
  - g. **Discretionary Sanctions.** Work assignments, service to ATU for other related sanctions. Students who violate the alcohol/drug policies may be subject to completion of alcohol and other drug education programs.
  - h. **Holds.** Withholding of grades, right to register for classes, official transcript, and/or degree.
  - i. **Loss of Scholarship.** Scholarships awarded by the University or University-related programs may be partially or fully revoked.
  - j. **Housing Suspension.** Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
  - k. **Housing Expulsion.** Permanent separation of the student from ATU housing.
  - l. **University Suspension.** Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
  - m. **University Expulsion.** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
  - n. **Revocation of Admission and/or Degree.** ATU reserves the right to revoke admission or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.

2. Tech may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including the completion of all sanctions imposed, if any. Students who fail to complete the assigned sanction(s) will have a disciplinary hold placed on their student account which may prevent registration activities. The hold is removed when sanctions are complete.
3. A disciplinary sanction becomes part of the student's permanent academic record as set forth. A student's permanent academic record includes any disciplinary sanction that comprises:
  - a. University Suspension
  - b. Expulsion
  - c. Any revocation of degree
4. Other than University suspension, University expulsion, and revocation of degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record. Upon graduation and application to the Student Conduct Administrator, the student's confidential record may be expunged of disciplinary actions other than University housing expulsion, University suspension, University expulsion, or revocation of degree. Requests for expungement should be made in writing to the Student Conduct Administrator.
5. More than one of the sanctions listed above may be imposed for any single violation.
6. Additional sanctions beyond those listed in this section of the Student Code of Conduct may be imposed upon RSOs. Please see Article III, Section 9.

## **E. Interim Suspension**

In certain circumstances, the Student Conduct Administrator or designee, may impose a University and/or residence hall suspension prior to the conclusion of the conduct process.

1. Interim suspension may be imposed only:
  - a. to ensure the safety and well-being of members of the University community or preservation of University property;
  - b. to ensure the student's own physical or emotional safety and well-being;
  - c. if the student poses a definite threat of disruption of, or interference with, the normal operations of the University after an individualized safety and risk analysis;
  - d. if the respondent is provided with notice and an opportunity to challenge the decision immediately following the interim suspension;
  - e. if the respondent is provided with written notice within twenty-four (24) hours of the interim suspension explaining the reasons for the removal;
  - f. and within three (3) business days of the written notice noted above, unless waived by the respondent, convene an interim hearing to determine whether there is substantial evidence that the respondent poses a risk to the health or safety of any student or other individual and that the interim suspension is appropriate to mitigate that risk.
2. During the interim suspension the respondent shall be denied access to University housing and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator or designee may determine to be appropriate.
3. The interim suspension does not replace the outlined conduct process, which shall proceed on the normal schedule, up to and through a formal hearing, if required.

## **F. Appeals**

Appeal of the decision of the Student Affairs Conduct Board may be made in writing to Dr. Keegan Nichols, Vice President for Student Affairs, located in Student Affairs, Doc Bryan Student Affairs Center, Suite 202, (479) 968-0238, [knichols@atu.edu](mailto:knichols@atu.edu) within five (5) business days of notification of the decision. A student or RSO appealing a serious violation has up to twenty-five (25) days to appeal. Simultaneous notification of procedures to appeal the result of a

disciplinary hearing will be made to both parties. The only basis for appeal shall be:

1. Alleged failure of the Student Affairs Conduct Board to follow procedures set forth in the Student Code of Conduct; or
2. Consideration of new evidence that was not reasonably available at the time of the hearing before the Student Affairs Conduct Board.

If an appeal is upheld, the review of the case may result in a modified sanction or the case may be remanded to the Student Affairs Conduct Board for a new hearing. If the appeal is denied, the sanction imposed by the Student Affairs Conduct Board shall be immediately implemented.

Sanctions issued following the Student Affairs Conduct Board hearing shall not be implemented until all appeals have been either exhausted or voluntarily waived.

## **G. Vice President for Student Affairs Certification**

At the conclusion of a disciplinary proceeding or an appeal that involves a serious violation, the Vice President for Student Affairs will certify that the substantial rights of student complainants and respondents established in the Arkansas Student Due Process and Protection Act have been followed. The certification will be maintained in the administrative file.

## **Article V: Classroom Provisions**

While Student Affairs is generally responsible for addressing student conduct, classroom management and behaviors not otherwise in violation of the Student Code of Conduct are under the jurisdiction of the responsible faculty member. This section describes the expectations of Tech and references those procedures related to student conduct in the classroom.

### **A. Academic Policies**

The undergraduate and graduate catalogs address regulations and procedures regarding academic policies at Tech. Each student should read and understand these sections of the catalog.

### **B. Class Absences**

The policy of the University in regard to class absences may be stated as the considered belief that regular class attendance is essential to the maximum growth and development of the student, and that students, in their own interest, are therefore responsible for attending all classes for which they are enrolled. For electronically delivered classes, where physical attendance is not a reasonable requirement, equivalent on-line interaction must be documented in lieu of attendance. Absence/participation policies and procedures are applicable both to regular terms and to the summer sessions.

Attendance policies are set forth by each individual instructor and will be announced at the beginning of the course. When participation in a University related function requires missing class, the student should, when possible, notify the instructor(s) prior to the absence. Absences due to sickness, accident, or death in the family should be explained to each instructor by the student. For absences of more than five (5) successive days which by their nature, such as an emergency, make it difficult for the student to contact the instructor(s), the student may contact Amy N. Pennington, AVP/Dean of Students and Title IX Coordinator, located in Student Affairs, Doc Bryan Student Services Center, Suite 233, (479) 968-0239, [apennington@atu.edu](mailto:apennington@atu.edu), for assistance in notifying instructors.

Classroom attendance policy:

1. Control of class attendance is vested in the teacher who has the responsibility for clearly defining in each course, early in the semester, the standards and procedures in regard to regularity and punctuality of class attendance;
2. Students will not be penalized by their instructors for class absences that result from participation in officially sanctioned University activities. It is the responsibility of students to present to their instructors notice and verification of authorized participation in such activities. Individual instructors retain the authority to determine how students in their classes will avoid academic penalties for the resulting absences;
3. Before invoking the most severe penalty for unsatisfactory class attendance or non-attendance, dropping a student from a course with a grade of "WN" (withdraw for non-attendance), the instructor is obligated to notify the student, in writing, that an additional absence would result in this penalty. The WN may also be

awarded by an instructor to a student who does not participate in an online course as required by Federal Financial Aid guidelines;

4. A student accumulating an excessive number of unjustifiable absences or non-attendance in an audited course may be administratively withdrawn at the request of the instructor;
5. The action of dropping a student from a course for excessive absences or non-attendance becomes final when the instructor reports this action in writing to the Registrar's Office. The student who chooses to protest such action as unjustified has recourse through the grievance procedure for appeal of an academic grade.

## **C. Undergraduate Student Academic Grievance Procedure**

### **Appeal of Academic Course Grade**

This section describes the process for an academic grade appeal for undergraduate students. The relevant policy for grade appeal by graduate students can be found in the Graduate Catalog.

The assessment of the quality of a student's academic performance is solely and properly one of the major responsibilities of university faculty members. A grade appeal is not appropriate when a student simply disagrees with the faculty member's judgment about the quality of the student's work. Grade appeals should be based on problems of process and not on differences in opinion concerning academic performance. A student who is uncertain about whether or not a grade should be appealed or who needs additional information about the grade appeal process can contact the department head's office (or dean's office should the instructor be the department head). This policy is implemented within the college that administratively houses the department through which the course was offered, irrespective of a student's major or class standing.

The grade appeal process is designed to give the student an opportunity to correct an injustice. Disagreement or dissatisfaction with a faculty member's professional evaluation of coursework is not the basis for a grade appeal. It should only be utilized when the student contends that the final grade assigned for the course by the instructor is a result of procedural/calculation error, a result of prejudice, or is arbitrary and/or capricious. Arbitrary and/or capricious here implies that,

1. The student has been assigned a grade on the basis of something other than their performance in the course; or
2. Standards utilized in determining final course grade were not evenly applied to all students in the course; or
3. The grade is based on standards that are unannounced or are substantially different and unreasonable departures from those articulated in the course syllabus at the beginning of the course.

The burden of proof is always on the student appellant to prove that a change of grade is an appropriate action in their case.

### **Informal**

In all cases, the student must begin a grade appeal process informally with the instructor involved to attempt to resolve the disagreement in a cooperative atmosphere. The student must explain their position to the instructor and attempt to understand the justification for the grade assigned by the instructor. The purpose of the meeting is to reach a mutual understanding of the student's situation and the instructor's actions and to resolve differences in an informal and cooperative manner. If the student and instructor cannot, after consultation, reach a satisfactory resolution, the student may begin a formal grade appeal process based on procedural/calculation error, prejudice, or an arbitrary and/or capricious assertion.

### **Formal**

The following apply to the formal appeal process for an academic final course grade assigned by an instructor and challenged by a student that has failed to reach a resolution during the informal process.

1. Appeal of a final course grade must be made by the student directly affected and must be made immediately following the conclusion of the course. Immediately, here, means before the beginning of another semester or summer term.
2. All appeals of a grade must begin with the student making a written appeal to the instructor involved and

explaining the nature of the problem and the student's desired resolution. In the case of an instructor who has terminated his/her association with the University, the appeal would begin with the department head or to the dean of the college if the department head should be the instructor involved. Appeals must be presented in writing and contain the following information:

- a. A listing of the student name, course prefix, number, section, semester term/year and instructor of course;
- b. A clear concise statement describing the specific supporting evidence of arbitrary and/or capricious grading as defined above must be provided. It is very important that the basis of the appeal is clearly understood.;
- c. A brief summary of the prior informal attempts to resolve the matter and the results of those previous discussions; and
- d. A specific statement of the action or resolution sought.

The instructor (or department head/dean) will have 10 business days to provide a written response to the student appellant. If the instructor is a department head who has left the University and the dean determines no grade change is warranted, the appeals process is completed.

3. If the appeal is not resolved in the previous step, within 5 business days of the date of the written response from the instructor, the student wishing further consideration would take the issue and documents to the head of the department in which the course is taught, or to the dean of the college if the department head should be the instructor involved. The department head (or dean) will review the case and make a judgment on the appeal to determine if a change of grade is warranted. The department head (or dean) will provide a written notice to the instructor and student appellant of their decision within 10 business days of receiving the documents from the student appellant. If the instructor is a department head and the dean determines no grade change is warranted, the appeals process is completed.
4. If the student wishes further consideration after the previous step, within 5 business days of the date of the written response from the department head, the student may appeal to the dean of the college offering the course only if the student has new evidence pertaining directly to their case that was not reasonably available at the time of the initial appeal or contends that the procedures outlined here were not followed. The student would submit a written formal presentation of the case, with all related supporting documents, to the dean. Should the dean determine that there is no new relevant evidence or that procedures were properly followed, the appeals process is completed and the student appellant will be notified in writing within 5 business days. If the dean agrees that there is new relevant evidence or that procedures were not followed, an ad hoc hearing committee will be appointed. The committee will be composed of three faculty members from the college in which the course is offered, or two from the college and one from the student's major department, if that department is not in the same college as that in which the course is offered. The committee members will be appointed by the dean(s) of the college(s) involved. The committee will review the documents and can then either reject the appeal on the basis of its content or proceed to investigate further. The committee will have full cooperation of all parties in gathering information and conducting interviews for the hearing. Once an issue is before the committee, the committee shall have the authority to recommend a lower grade, recommend a higher grade, or recommend no change of a grade. Review by the committee should be completed within 15 business days of the submission of the written presentation of the case to the dean by the student appellant. The committee recommendation will be conveyed to the dean of the college in which the course is offered. The dean would inform the student appellant, instructor, department head, and registrar of any grade change for the course if applicable. The dean's determination is final.

### **Appeal of an Academic Undergraduate Program Dismissal**

The following apply for an undergraduate student appeal of program dismissal having been made by an academic department. The procedure for a graduate student appeal of program dismissal is outlined in the Graduate Catalog.

1. Appeal of a program dismissal must be made by the student directly affected and must be made immediately following the departmental decision to the department head. Immediately, here, means within 10 business day of the date of the dismissal notification.

2. It is very important that the basis of the appeal is clearly understood. Appeals must be presented in writing and contain the following information:
  - a. A clear concise statement about the student's desire and motivation for reinstatement must be provided;
  - b. A brief summary of any prior informal attempts to resolve the matter and the results of those previous discussions; and
  - c. A specific statement of the action or resolution sought.
3. If the student wishes further consideration after the previous step, within 5 business days of the date of the written response from the department head, the student may appeal to the dean of the college in which the academic program department is housed only if the student has new evidence pertaining directly to their case that was not reasonably available at the time of the initial appeal or contends that the procedures outlined here were not followed. The student would submit a written formal presentation of the case, with all related supporting documents, to the dean. Should the dean determine that there is no new relevant evidence or that procedures were properly followed, the appeals process is completed and the student appellant will be notified in writing within 5 business days. If the dean agrees that there is new relevant evidence or that procedures were not followed, an ad hoc hearing committee will be appointed. The committee will be composed of three faculty members from the college in which the academic program is administered. The committee will select its own chairperson. The committee will review the documents and can then either reject the appeal on the basis of its content or proceed to investigate further. The committee will have full cooperation of all parties in gathering information and conducting interviews for the hearing. The committee shall have the authority to recommend that the student be retained in the program or confirm the original dismissal decision of the department. Review by the committee should be completed within 15 business days of the submission of the written presentation of the case to the dean by the student appellant. The committee recommendation will be conveyed to the dean of the college who will notify the department head and student appellant in writing of the committee's decision.

### **Other Academic Grievances**

Other grievances relating to an instructor will proceed through an appeal to the department head, dean of the college, and the Executive Vice President for Academic Affairs and Provost. The Executive Vice President for Academic Affairs and Provost will evaluate the grievance to determine if the charge and evidence warrants initiating proceedings against the instructor under the appropriate provisions in the "Regulations on Academic Freedom and Tenure" approved by the Board of Trustees.

## **D. Academic Integrity Policy**

### **1. The Preamble**

A university exists for the purpose of educating students and granting degrees to all students who complete graduation requirements. Therefore, Arkansas Tech University requires the highest standards of academic integrity and conduct from all students. Students at Arkansas Tech University will refrain from committing any of the violations of academic integrity as detailed below. Further, Arkansas Tech University expects that all classes maintain an academic and courteous atmosphere. Both the professor and students are responsible for creating an environment that enables all students to reach their academic potential. The classroom is under the control of the professor who will give students a statement of his or her classroom expectations and policies in a syllabus at the beginning of the semester. The term "classroom" as used in this Academic Integrity Policy includes face-to-face, hybrid and online classes. It is not restricted to classrooms on or off campus but also includes playing fields and laboratories, as well as University computer areas on or off campus as well as field trips associated with class-related matters. Students will conduct themselves in a non-disruptive and civil manner when attending classes and other events associated with Arkansas Tech University.

### **2. Types of Academic Integrity Violations**

A violation of academic integrity refers to various categories of inappropriate academic behavior with respect to a course. Students must refrain from cheating, plagiarism, fabrication, impersonation, forgery, collusion and/or other dishonest practices. Below are common examples of unacceptable academic behavior.

**Cheating** on an examination, quiz, report, or assignment involves any of several categories of dishonest activity. Examples of cheating include, but are not limited to:

- copying from the examination or quiz of another student;
- using classroom notes, messages, or crib sheets in any format (paper or electronic) which gives the student extra help on the exam or quiz, and which were not approved by the instructor of the class;
- obtaining advance copies of exams or quizzes;
- soliciting of unethical academic services, including purchasing of research papers, essays, or any other scholastic endeavor; and
- using the same paper to fulfill requirements in several classes without the consent of the professors teaching those classes.

**Plagiarism** is stealing the ideas, data, tables, graphs, artistic works, or writing of another person and using them as one's own. This includes not only passages, but also sentences and phrases incorporated in the student's written work without acknowledgment to the true author. Any paper written by cutting and pasting from the Internet or any other source is plagiarized. Slight modifications in wording do not change the fact that the sentence or phrase is plagiarized. Acknowledgment of the source of ideas must be made through a recognized footnoting or citation format (MLA, APA, etc.). Plagiarism includes recasting the phrase or passage in the student's own words of another's ideas that are not considered common knowledge. Acknowledgment of source must be made in this case as well.

**Collusion** is the act of collaborating with one or more students or others on coursework (i.e., a test, assignments, paper, etc.) when the professor has not expressly approved collaboration or group work on the assignment. Individual coursework is to be entirely the work of the student submitting it for a grade. When a student submits work that was produced through collaboration with others without the authorization of the instructor as the individual student's own work and performance, this is a violation of academic integrity.

**Impersonation, fabrication, and forgery** are all violations of academic integrity. Impersonation is assuming a student's identity with the intent to provide an advantage for the student academically. Fabrication and forgery are "to fake; forge (a document signature, etc.)," particularly the faking or forging of the information or signature on course assignments. Examples of impersonation include but are not limited to hiring a substitute to take an exam, write a paper; or complete some other course assignment.

Examples of academic fabrication and forgery include but are not limited to:

- furnishing false information, data, or research findings on coursework;
- failing to identify yourself honestly in the context of an academic obligation;
- fabricating or altering information or data and presenting it as legitimate;
- providing false or misleading information to an instructor or any other University official;
- forging an instructor's signature on a letter of recommendation or any other document;
- submitting an altered transcript of grades to or from another institution or employer;
- putting your name on another person's exam or assignment;
- altering a previously graded exam or assignment for purposes of a grade appeal or of gaining points in a re-grading process; and,
- impermissible use of generative AI (artificial intelligence) to create coursework.

### 3. Classroom Behavior

Each member of the Arkansas Tech University community is obliged to conduct her/himself in a non-disruptive manner in the classroom. If a student is being disruptive, the instructor will address the situation, discussing behavioral expectations moving forward, and emphasize possible consequences for failing to comply. If the disruptive behavior persists, the student may be suspended on an interim basis from the class. Instructors may report excessive and/or repeated disruptive behavior through the Procedures for Addressing Violations of Academic Integrity and Classroom Behavior. This process includes an appeals process students may use to challenge perceived violations or excessive penalties. Students who exhibit disruptive behavior may also be referred to the Department of Student Conduct (see Article III, Section C of the Arkansas Tech University Student Handbook).



If a classroom incident constitutes an emergency (e.g., any immediate threat to life and/or property) and requires an immediate response from police, fire or emergency medical services, **please call 911**.

## **E. Procedures for Addressing Violations of Academic Integrity and Classroom Behavior**

Since allegations of a violation of academic integrity may have serious consequences, below are the procedures for reporting allegations, the administrative procedure for processing alleged violations, and a statement of institutional penalties that may be applied on top of the instructor's academic penalty in those cases where violations occurred.

### **1. Principles**

1. Arkansas Tech University promotes a culture of academic integrity and professionalism that enhances the quality of an Arkansas Tech degree.
2. The process for reporting and adjudicating an allegation of academic dishonesty should be fair and just for all involved.
3. Faculty members have sole purview for any academic sanction administered if a violation of the academic integrity policy is found to have occurred.
4. Arkansas Tech supports educational, not solely punitive, measures for addressing violations of the academic integrity policy.

### **2. Reporting Procedure**

1. If any instructor, student, or staff member has compelling facts and evidence an individual has violated any category of academic integrity, that instructor, student, or staff member must report the suspected violation(s) to Academic Affairs using the Arkansas Tech University "Academic Integrity Referral" form found at: [https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=4)
2. Upon receipt of an allegation, Academic Affairs will either create a file for the student if it is a first time offense or add the report to an existing file for the individual if one already exists.

### **3. Administrative Procedure**

1. Within three business days of receiving a reported violation of academic integrity, Academic Affairs will notify:
  - a. The instructor of record for the course, the Department Head and Dean. They will be supplied the report, the evidence and the number of allegations and proven violations of academic integrity or disruptive classroom behavior by the student.
  - b. The student of the alleged violation, the report and evidence.  
**NOTE: A course withdrawal or drop by the student that occurs after a reported violation of academic integrity or classroom behavioral conduct may not be honored. If a violation is determined to have occurred, the student may be reinstated if the penalty is an "F" in the course.**
2. Upon notification of an alleged violation, the student has five business days to schedule a meeting with the instructor to resolve the allegation. If the instructor is unreachable, the student should arrange within this timeframe a meeting with the instructor's Department Head or Dean.
  - a. If the student fails to respond to the instructor (or Department Head or Dean) within five business days of notification, this is taken as tacit acceptance that the violation occurred. After five business days, the instructor informs Academic Affairs, his/her Department Head, and Dean that the student has failed to request a meeting. The instructor may apply the academic penalty as prescribed in his/her course syllabus. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation.
  - b. If the student does request a meeting within five business days, the instructor (or Department Head or Dean, if necessary) and student will meet (either face-to-face, by conference call or using other electronic means) to attempt to resolve the allegation. This meeting may result in one of the following:
    1. The student provides explanation and evidence to the satisfaction of the instructor that no violation occurred. The instructor informs Academic Affairs, his/her Department Head, and Dean that the allegation against the student has been resolved and no penalties will be

assessed.

2. The instructor educates the student on what qualifies as a violation of the policy and the student accepts that he/she violated it. The instructor may apply the academic penalty as prescribed in the course syllabus, which may include a final grade of “F” that would override the student’s course drop or withdrawal if such has occurred. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation.

**NOTE: If the student feels the instructor’s academic penalty is excessive or unfair, he/she should refer to the Student Handbook, Article V: Classroom Provisions, Section C: Student Academic Grievance Procedure, on how to appeal it.**

3. The student and the instructor are unable to resolve the issue. The student then has **three business days** from the meeting to file an appeal with Academic Affairs. Academic Affairs then forwards the case to the Academic Affairs Appeals Committee Chair for resolution.
  - c. If neither the individual nor the instructor acknowledge the report and/or take action to resolve it within the **five business days**, Academic Affairs follows up with the Department Head and/or Dean to get acknowledgment of the report and resolution of the allegation by the student and/or instructor.
3. For cases where the student appeals the allegation to the Academic Appeals Committee, the Chair will provide the Academic Appeals Committee with the original report and evidence provided by the reporting party, any report and evidence supplied by the instructor, as well as the appeal and explanation by the student. The committee will decide whether the facts merit investigation. If so, the Academic Appeals Committee will appoint from its body a subcommittee to investigate and recommend action. The Chair forms the subcommittee of at least three members (two students and a faculty member) who will be responsible for investigating the case. The Chair will provide the subcommittee with the original report and evidence provided by the reporting party, any report and evidence supplied by the instructor, as well as the appeal and explanation by the student. Upon conclusion of its investigation, the subcommittee reports its findings and recommendation to the Chair of the Academic Appeals Committee. The Chair then shares the subcommittee’s recommendation with the full Academic Appeals Committee, who make the final decision on the appeal. The Chair will report the full committee’s decision to Academic Affairs. Academic Affairs then contacts all parties as follows:
  - a. If the decision is that no violation has occurred, Academic Affairs notifies the individual, as well as the instructor, his/her Department Head and Dean to that effect. No penalties are assessed against the student.
  - b. If the decision is that a violation of the policy occurred, Academic Affairs notifies the student, as well as the instructor, his/her Department Head and Dean to that effect. The instructor may apply the academic penalty as prescribed in the course syllabus, which may include a final grade of “F” that would trump the student’s course drop or withdrawal if such has occurred. Academic Affairs may also apply additional institutional penalties based on the number and severity of the violation. Academic Affairs updates the file for the individual as appropriate and the issue is resolved.
4. The procedural process for violations of academic integrity for Graduate Students can be found in the Graduate Catalog in the Academic Information Section located at this website: [https://www.atu.edu/catalog/graduate/academic\\_info.php](https://www.atu.edu/catalog/graduate/academic_info.php).

## **F. Penalties for Violations of Academic Integrity and Classroom Behavior**

1. Arkansas Tech University respects the right of the instructor of record for the course to determine and apply all academic sanctions for violations of academic integrity. The classroom is under the control of the instructor, who will give students a statement of his/her classroom expectations and policies in a syllabus at the beginning of the semester. Typical penalties can include, but are not limited to giving an ‘F’ on a particular quiz or exam, giving an ‘F’ on a term paper or other written work, or giving the student an ‘F’ or ‘W’ for the course. Instructors may also have different penalties depending on the number and severity of violations.
2. As an institution, Arkansas Tech University may deem it necessary to apply additional sanctions beyond the academic penalties imposed through the course. Examples of the types of penalties Arkansas Tech may choose to apply include but are not limited to required completion of academic integrity training, as well as

disciplinary probation, suspension or expulsion from the university. Any institutional penalties that may be applied will vary based on the number and severity of violations. Below is the general rubric Academic Affairs will follow when applying an institutional penalty.

- a. First Offense: If an institutional penalty is applied, generally this will involve required training on academic integrity and acceptable academic practices and behaviors. However, the severity of the violation may justify probation or even suspension from the university.
  - i. Note: The academic integrity course or training is to be completed within two business weeks of notification by Academic Affairs that it is required. Failure to complete the course in this timely fashion may result in a hold being placed on the individual's account by the Registrars. It will not be removed until the training is completed. Also, any costs for the course or training must be paid by the student.
- b. Second Offense: For a second offense, additional training on acceptable academic practices and behaviors may be required, as well as disciplinary probation. However, the severity of the violation may entail suspension or even expulsion from the university.
- c. Third Offense: For a third offense the individual has already had two courses on academic training and incurred disciplinary probation. The minimum penalty is now suspension. However, the severity of the violation along with the multiple infractions may result in expulsion from the university.
- d. Fourth Offense: For a fourth offense, the individual will be expelled from the university.

## **Article VI: Interpretation and Revision**

- A. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Student Conduct Administrator or designee for a final determination in his or her sole discretion.
- B. The Student Code of Conduct shall be reviewed at minimum every two (2) years under the direction of the Student Conduct Administrator. Previous review: August 2024.

## **POLICY**

### **Communications Privacy Policy**

Act 1799 of 2003 requires all institutions of higher education adopt an Electronic Communication Privacy policy governing electronic communications originated or received by a faculty member, staff member, or a student that is transmitted over the institution's computer network system. Electronic communication includes any electronic mail message transmitted through the international network of interconnected government, educational, and commercial computer networks, and includes messages transmitted from or to any address affiliated with an Internet site. The complete policy may be found at <https://support.atu.edu/support/solutions/articles/7000019364-electronic-communication-privacy-policy>.

### **Consensual Relations Policy**

Sexual relations between employees and those with whom they also have an academic evaluative or supervisory relationship are fraught with the potential for exploitation. The respect and trust accorded a professor or staff member by a student, as well as the power exercised by the professor, or other staff member, in an academic or evaluative role, make voluntary consent by the subordinate suspect. Even when both parties have previously consented, circumstances could change and conduct that was once welcome could become unwelcome and the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between individuals in unequal positions.

In their relationships with students, members of the faculty, as well as employees whose position may be perceived as one of authority, are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision takes place.

An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student whenever the employee is in a "position of authority", real or perceived, over that student. An employee is in a "position of authority" whenever he or she is that student's teacher, or when the employee is either evaluating or supervising the student. This includes resident assistants and students over whom they have direct responsibility. The "position of authority" may also include formally advising the student or when that student is a major in the employee's department or college.

A supervisor, whether faculty or staff, should also not develop a dating or sexual relationship with an employee when the supervisor has a "position of authority", real or perceived, with respect to the employee.

Should a dating or sexual relationship develop or exist, the person with the greater position of authority must consult with an appropriate supervisor immediately. Failure to self-report such relationships may result in disciplinary action. The supervisor, with advice from University Counsel, shall develop a mechanism to ensure that objective evaluation is achieved, that conflicts of interest are avoided, and that the interest of the other individual and University are fully protected. This will likely result in the removal of the employee from the supervisory or evaluative responsibility, or shift the individual out of being supervised or evaluated by someone with whom they have a consensual relationship.

### **Equal Employment Opportunity**

Arkansas Tech University will provide equal opportunity in employment to all persons. This applies to all phases of the personnel process, including recruitment, hiring, placement, promotion, demotion, separation, transfer, training, compensation, discipline, and all other employment terms, conditions, and benefits. Arkansas Tech University prohibits discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Arkansas Tech University will provide this notice and a copy of this policy to all applicants for employment. All faculty and staff will be notified annually of the policy. Further, Arkansas Tech University will consider through a designated grievance procedure the complaints of any person who feels that he or she has been discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Arkansas Tech University will, through its strategic plans and other campus initiatives, develop and implement specific and result-oriented procedures to apply every good faith effort to achieve prompt and full utilization of minorities, women, those with disabilities or veterans at all levels and all segments of its workforce. Additionally,

Arkansas Tech University will continually monitor and evaluate its employment practices to ensure that they are free of bias or discrimination based upon race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, genetic information, or veteran status.

Responsibility for implementation and compliance with this policy has been delegated to the Director of Human Resources and Affirmative Action Officer, Ms. Melissa Riffle, who can be reached by emailing [mriffle@atu.edu](mailto:mriffle@atu.edu) or by calling 479-968-0396.

## **Complaints**

Complaints from students, faculty, staff, alumni, and others may be filed with the Division of Student Affairs or with the involved department. If filed with Student Affairs, when appropriate, a complaint will be referred to the department involved. Complaints are not considered official unless they are written. University officials who receive written general complaints from students will document the complaints using the guidelines in the Faculty/Staff General Student Complaint Resolution Log Procedure. Contact Student Affairs, Doc Bryan Student Services Center, Suite 233, for further information.

For grades, coursework, and other academic program related issues, students should follow the Student Academic Grievance Procedure in this handbook. For other conditions affecting a student's academic performance or learning environment, students should follow the Student Non-academic Grievance Procedure.

## **Student Non-Academic Grievance Procedure**

Any alleged non-academic grievance (hereinafter referred to as "grievance") which a student may have regarding a University employee, an institutional regulation, and/or the interpretation and application of such regulation may be considered under this procedure. Grievance procedures are of both an informal and formal nature, and the informal means should be exhausted before filing a formal grievance.

### **Informal Grievance Procedure**

The procedure for an informal grievance is as follows:

1. The student complainant should first discuss their grievance with the person responsible for the action, interpretation, or application leading to the problem.
2. If the grievance remains unresolved, the complainant may discuss it with the appropriate supervisory official.
3. If the circumstances of the grievance prevent the use of the above listed steps, or if the appropriate official does not resolve the grievance within five (5) business days, the complainant may discuss the grievance with the administrative head of that portion of the institution out of which the problem arose. In all cases, this should be one of the Vice Presidents or the Director of Athletics.
4. If the grievance resulted from a violation of stated ATU policy or procedure, the administrative head shall take immediate steps to enforce the stated policy or procedure and resolve the grievance.
5. If the grievance involves questions of opinion not covered in stated policies, the administrative head shall counsel with the complainant and departmental official(s) to resolve the grievance if possible.

### **Formal Grievance Procedure**

When a grievance has not been resolved by informal means, the student complainant may submit a written request to the appropriate administrative head to have the grievance considered by a formal grievance committee. In no case will such a request be granted prior to five (5) business days after an informal grievance has been initiated and the appropriate administrative head notified.

1. A request for a formal grievance hearing by a student complainant should include the written nomination of one member of the Student Affairs staff and one employee from the administrative area involved to serve on the formal grievance committee. (The second nomination may come from any administrative area by mutual agreement of the student and the administrative head.)
2. The administrative head will select two (2) of the three (3) students on the Student Affairs Committee to complete the committee, which will be chaired by the administrative head, who will not vote, but only coordinate the hearing.
3. The Vice President for Student Affairs, or designee, shall serve as secretary and advisor to the committee, but will

not vote.

4. The grievance committee will hear the grievance with such witnesses and evidence as it deems germane and shall present its recommendations in writing to the administrative head within three (3) business days of the hearing. The administrative head will render a decision within three (3) business days. Copies of the decision and recommendation will be made available to all parties.
5. The decision of the administrative head may be appealed in writing to the President, with a copy to the administrative head, within ten (10) business days of receipt of the decision.
6. The decision of the President will be made available to all parties and shall be final and binding.

ADHE requires the certified institution to make a decision on the student grievance following the institution's public policy.

Inquiries into student grievances must be limited to AHECB certified (under Arkansas Code §6-61-301) courses/degree programs and institutions and to matters related to the criteria for certification.

Within 20 days of completing the institution's grievance procedures, the student may file a complaint in writing with the Arkansas Department of Higher Education (ADHE) through an online form at <https://adhe.edu/institutions/adhe-grievance-form> and can reach ADHE by phone at 501-371-2000 or via email at [finaid@adhe.edu](mailto:finaid@adhe.edu).

The grievant must provide a statement from the institution verifying that the institution's appeal process has been followed. ADHE will notify the institution of the grievance within 15 days of the filing. Within 10 days after ADHE notification, the institution must submit a written response to ADHE. Other action may be taken by ADHE as needed.

## CAMPUS FACILITIES

### Tobacco-Free Policy

Effective August 1, 2009 use of any tobacco product including, but not limited to, smoking, use of electronic cigarettes, dipping, or chewing tobacco is prohibited on campus. This policy shall be enforced by the Arkansas Tech University Department of Public Safety.

"Campus" means all property, including buildings and grounds that are owned or operated by Arkansas Tech University.

"Electronic cigarette" (also known as "e-cig" or "e-cigarette") means a battery or USB powered device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

"Smoking" as that term is used in this policy means inhaling, exhaling, burning, or carrying any:

- a. Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; and
- b. Other lighted combustible plant material.

"Student" as that term is used in this policy means an individual enrolled in a credit or non-credit course at Arkansas Tech University.

#### Student discipline

Students who violate this policy shall be disciplined as follows:

- a. First Offense: Written warning.
- b. Second Offense: Six months probation as defined in the Student Code of Conduct/
- c. Third and Subsequent Offenses: \$50.00 fine.

#### Employee discipline

Employees who violate this policy shall be disciplined as follows:

- a. First Offense: Written warning.
- b. Second Offense: Written reprimand placed in personnel folder.
- c. Third and Subsequent Offenses: \$50.00 fine.

#### Visitors/Independent Contractor Discipline

Visitors or employees of independent contractors who violate this policy shall be disciplined as follows:

- a. First Offense: Written warning.
- b. Second Offense: Banned from campus.

Students may appeal their sanction pursuant to the terms of the Student Code of Conduct. All others may appeal the sanction imposed pursuant to this policy by submitting a written appeal to the Human Resources Committee within five (5) business days of the infraction.

Pursuant to Act 734 of 2009, beginning August 1, 2010, any person who smokes on campus shall in addition to the penalties set forth above, be guilty of a violation and upon conviction in Russellville District Court, shall be punished by a fine of not less than (\$100) one hundred dollars nor more than (\$500) five hundred dollars.

### Bicycles, Skates, Skateboards, and Hoverboards

All individuals using bicycles, skates, and skateboards are expected to use the equipment in a manner which is appropriate, considerate of others and of University property. Individuals who use the equipment recklessly or without care of others and University property will be confronted, documented, and addressed through the provisions in the Student Code of Conduct.

Individuals are prohibited from engaging in tricks (sliding, grinding, jumps, etc.) anywhere on University property which



includes stairs, steps, railing, benches, and entrances to buildings. Loitering or "sessioning" in these areas for the purpose of attempting tricks or stunts is strictly prohibited and will be confronted and dealt with through the Student Code of Conduct.

Furthermore, the use of bicycles, skates, and skateboards inside of campus buildings, including the residence halls, is strictly prohibited. Bicycles must be stored in bike racks located throughout the campus and should not be brought into the buildings. Skateboards must be picked up and carried when within campus buildings. Skates must be removed before entering campus buildings.

The campus should be maintained as a safe and beautiful environment for everyone. Reckless behavior which is defined as actions which endanger individuals and property should not be undertaken. It should be noted that the use of these items, in themselves, involves an assumption of personal risk. Persons who use them are personally liable for their actions.

There are numerous dangers associated with the possession and use of self-balancing scooters, commonly referred to as hoverboards. These dangers include, without limitation, leaking fluid, excessive heat, sparking, smoke, and fire. The National Fire Protection Association and U.S. Consumer Product Safety Commission are investigating hazards associated with self-balancing scooters/hoverboards.

In response to these safety concerns, the University has instituted a ban on the possession, use, or storage of self-balancing scooters/hoverboards inside Arkansas Tech University buildings and facilities (Russellville campus, Ozark campus, and all auxiliary locations). Please note that this prohibition against self-balancing scooters/hoverboards includes all residential facilities so as to comply with fire protection and prevention initiatives.

## **Pet Policy**

In order to provide for the health, safety, and welfare of all persons on property owned or controlled by Arkansas Tech University, the following guidelines are established to control domestic animals on University property. Domestic animals are defined as any dog, cat, or other animal, including reptiles, that are intended to be a pet or companion for a person.

Domestic animals are not be permitted within the buildings or on property owned or controlled by Arkansas Tech University, with the exception of domestic animals specifically trained and certified to provide assistance to persons with disabilities. These animals must be registered with the Office of Disability Services. The only exception to this policy is for Jerry the Bulldog, official campus ambassador for Arkansas Tech University.

## **Selling and Soliciting**

Arkansas Tech University has an institutional policy prohibiting solicitation on the campus or in any University-owned facility. Students are requested to promptly report any incident of soliciting to Student Affairs. Members of Registered Student Organizations should consult the Solicitation portion of the Student Handbook that specifically addresses RSO provisions.

## **Publicity**

Publicity done by or for a Registered Student Organization and/or a University department is subject to the Student Code of Conduct, and permitted on campus under the following guidelines:

- A. Flyer and Banner Display.** Flyers and banners may not be displayed any sooner than two (2) weeks prior to the event. All expired flyers/banners will be removed by Student Affairs. Student Affairs can assist in posting flyers in fourteen (14) campus buildings and, in coordination with the Department of Residence Life, can assist in posting flyers in one hundred (100) locations throughout the residence halls. Banners can be displayed in the following three (3) locations: Baswell Techionery, Doc's Place, and Student Union.
  - i. Flyers may be no larger than 14x18 inches and must be identified as to the Registered Student Organization or University department responsible for their display with a contact email.
  - ii. Banners must not exceed the dimension of three (3) feet wide by six (6) feet in length and must be identified as to the Registered Student Organization or University department responsible for their display with a contact email.
  - iii. Any flyer/banner which promotes a Registered Student Organization's event cannot be posted until the



event is fully registered and approved on theLink.

- iv. Any Registered Student Organization which wishes to place a banner, flyer, or any other display in any other location must have permission from Student Affairs or the Department of Residence Life. Some exceptions are allowed at specific times, such as during Welcome Week, Homecoming, etc., and at certain designated locations. Proper recognition and guidelines for such expectations are obtained from Student Affairs or, for residence halls, from the Department of Residence Life.

**B. Table Tent Display.** Table tents may not be displayed any sooner than one (1) week prior to the event. Table tents must be removed after the event by the Registered Student Organization or University department sponsoring the event. Advertising through the use of table tents may be permitted under the following guidelines:

- i. If a Registered Student Organization event, the event must be fully registered and approved on theLink prior to placing table tents and include and contact email.
- ii. No more than two (2) table tents are permitted at any one (1) table at any given time. Placement is on a first come, first served basis.
- iii. The table tent may not be any larger than six (6) inches wide by eight (8) inches in height.

**C. Handbill Marketing.** Distribution of flyers and/or handbills by a Registered Student Organization or a University department is permitted under the following guidelines:

- i. The flyer and/or handbill must clearly identify the Registered Student Organization and/or University department sponsoring the event.
- ii. The flyer and/or handbill must include an Arkansas Tech University valid email address identifying a contact person or organization.
- iii. The Registered Student Organization or University department is responsible for collecting any trash resulting in the distribution.

**D. Chalking.** Advertising events with chalk on sidewalks (termed as "chalking") by Registered Student Organizations or University departments may be permitted in the Hindsman Quad (area between McEver Hall and Dean Hall), Chambers Cafeteria, Baswell Techionery sidewalk, Student Union patio, and the Wilson Hall sidewalk (see the Event Planning Guide for map and specific locations) under the following guidelines:

- i. If a Registered Student Organization event, the event must be fully registered and approved on theLink prior to chalking.
- ii. The chalking area used for the advertisement shall not be bigger than four (4) feet by four (4) feet.
- iii. The sponsoring Registered Student Organization or University department must be clearly identified in the chalking area.
- iv. Chalking is prohibited prior to 7 a.m. on the first day of classes in the fall semester and must cease after the final exam period begins in the spring semester.
- v. Chalking may not occur more than five (5) business days prior to an event.
- vi. Only washable sidewalk chalk may be used. Spray chalk is not permitted.
- vii. Placement is on a first come, first served basis.

**E. Open Posting Locations.** Bulletin boards located in the Doc Bryan Student Services Center are designated as open posting areas and may be utilized by other entities. These bulletin boards will be cleared on the 1st and 15th day of each month.

- i. Open flyer posting locations are located in Doc's Place, the Doc Bryan Student Services Center (on the bulletin board at the base of the stairs).
- ii. Flyers may be no larger than 14x18 inches.

## Freedom of Expression Policy

Arkansas Tech University recognizes and supports the rights of the members of the campus community and visitors to speak in public and to demonstrate in a lawful manner in outdoor areas of campus or any non-academic and publicly open portion of a facility that Arkansas Tech University has traditionally made available to members of the campus community for expressive purposes.

“Outdoor areas of campus” means the generally accessible outside areas of an Arkansas Tech University campus where members of the campus community are commonly allowed, including, without limitation: (i) grassy areas; (ii) walkways; and (iii) other similar common areas. “Outdoor areas of campus” does not include outdoor areas where access by the majority of the campus community is restricted.

Expressive activities protected under this policy consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation:

1. Communicating through any lawful verbal, written, or electronic means;
2. Participating in peaceful assembly;
3. Protesting;
4. Making speeches, including without limitation those of guest speakers;
5. Distributing literature;
6. Making comments to the media;
7. Carrying signs; and,
8. Circulating petitions.

In order to maintain safety, security, and order, and to ensure the orderly operation of the campus, Arkansas Tech University reserves the right to limit such activities by the following regulations regarding time, place, and manner of such activities:

- Arkansas Tech University will remain neutral as to the content of any public demonstration, debate, speech, or other form of expression.
- Expressive activities occurring in the outdoor areas of campus shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- There must be no obstruction of entrances or exits to buildings or classrooms or offices (to enable regular operations).
- There must be no interference with educational activities inside or outside of buildings.
- There must be no impediment to normal pedestrian or vehicular traffic or other disruptions of University activities, including sidewalks, roads, and parking areas all of which must remain unobstructed.
- There must be no interference with scheduled University ceremonies, events, or activities.
- Additional tables, chairs, and/or other special accommodations for use in locations will not be provided by the University.
- There must be no true threats or expression directed to provoke imminent lawless actions and likely to produce it.
- There must be no harassment. For purposes of this policy, harassment is defined as expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the university.
- There must be no material or substantial disruption. The phrase “material or substantial disruption” means a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group, or prevents the transaction of the business of a lawful meeting, gathering or procession by:

1. Engaging in fighting, violence, or other unlawful behavior; or
2. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

“Material and substantially disrupts” DOES NOT INCLUDE conduct that is protected under the First Amendment to the United States Constitution or Arkansas Constitution, Article 2, §§4, 6, and 24, which includes without limitation:

(i) lawful protests in an outdoor area of campus that is generally accessible to members of the campus community, except during times when the area has been reserved in advance for another event; or (ii) Minor, brief, or fleeting non-violent disruptions of events that are isolated and short in duration.

- Any display materials must be completely removed at the conclusion of the event.
- When display materials are used, a representative must be present at all times.
- Damage or destruction of property owned or operated by the University, or damage to property belonging to students, faculty, staff or guests of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.
- Persons or organizations responsible for a demonstration, debate, speech, or other form of expression event must remove all signs and litter from the area at the end of the event.
- There must be compliance with all applicable local, state, and federal laws and University policies, rules, and regulations.
- Use of sound and/or voice amplification is not permitted while classes are in session.
- No open flames.
- Any non-university informational flyers or posters must be posted in the approved areas set forth in the Student Handbook.
- Overnight camping and related camping items including, but not limited to, tents, sleeping bags, tarps, and other temporary shelters, are not permitted.
- No structures may be erected and no items may be staked or inserted into the ground.

Any individual violating these regulations regarding time, place, and manner will be subject to immediate eviction or removal from the campus, without further warning, by appropriate University agents or officials and may be subject to appropriate legal action. Students or Registered Student Organizations violating these regulations may be subject to action as described in the Student Code of Conduct.

Nothing in this policy is intended nor should it be understood as an endorsement or approval by Arkansas Tech University of any speech or demonstration, an invitation or license to speak or demonstrate or the granting of any right or permission to speak or demonstrate on campus beyond the right existing under federal and state law.

### **Freedom of Association**

Arkansas Tech University campuses shall not deny a student organization any benefit or privilege that is available to any other student organization or otherwise discriminate against an organization based on the expression of that organization.

“Student organization”, as that phrase is used in this policy, means an officially recognized group at a state-supported institution of higher education or a group seeking official recognition, composed of admitted students that receive or are seeking to receive benefits through the state-supported institution of higher education.

## Student Use of University Space – Office of Events

The Office of Events provides the college with a comprehensive, transparent scheduling process. Institutional scheduling policies and guidelines establish that all university space is centrally scheduled to make efficient use of university resources.

The intent of this policy is to:

1. Establish consistent scheduling policies and priorities.
2. Establish and communicate the clear, consistent processes for facility usage outside of regularly scheduled classes.
3. Minimize scheduling conflicts through defined categories and priority scheduling.

Certain designated Arkansas Tech University facilities may be used by internal or external individuals, groups or organizations, as well as affiliated groups of the University.

The following factors will be considered in the scheduling of any campus event:

- Required logistical, material and technical support is available.
- The event should be within the scope and parameters of the intended use of the desired facilities. Required staffing and technical support for the event must be available.
- The proposed event fits into the scheduled use of facilities and campus-wide operations.
- Permitting efficient operation of our facilities is of paramount concern. Proposed events should not impede, inconvenience or displace academic activity or in any way compromise daily University functions. In order to ensure that events maintain public safety, the scheduling of facilities will be managed to minimize spatial conflict and overcrowding of campus resources.

Prior to submitting a request for use of University space, external speakers who wish to use university facilities must be sponsored by a registered student organization or university academic or administrative unit. To allow for appropriate administrative planning process and supports to be put in place, advance registration of at least three weeks is required. Entities or individuals registering events should identify whether the event is likely to be a target of disruption, threats, violence, or other acts of intimidation. Please note that registration with the Office of Event Management is a first step to allow evaluation of safety risks, and not actual permission for the event.

Spaces that are available for reservation include:

1. Academic and Non-Academic Facility Space. Spaces are available for reservation with varying room sizes, audio/visual capabilities as well as seating, table, and configuration options. These spaces are traditionally used for meetings, programs, presentations, socials, and other similar events.
2. Athletic Space. These spaces are generally used for activities such as summer camps. All athletic reservation space will have athletic priority before any other reservations can be made.
3. Outdoor Event Space. Areas located throughout campus are available for reservation with varying sizes to accommodate the needs of the users. These spaces are traditionally used for events, programs, and socials that would be well suited for large and open outside venues.
4. Freedom of Expression. Arkansas Tech University recognizes and supports the rights of the members of the campus community and visitors to speak in public and demonstrate in a lawful manner in outdoor areas of campus. Detailed information on these areas is found in the Student Handbook under Freedom of Expression.

All prospective users of campus facilities must submit requests thru the Office of Events submission form (preferred method), office email ([events@atu.edu](mailto:events@atu.edu)), or by phone at (479) 964-0583 ext. 2505 to determine space availability. All student organizations must submit their requests thru their RSO page using theLink. It is important to understand you are submitting a REQUEST. Reservation of space and event approvals is not guaranteed for every request.

The Office of Events can serve each group only to the extent that information is supplied through the request. Please be accurate, complete, and timely in requesting room reservations, set ups, and additional audio visual equipment if needed. Office of Events will assign rooms and space according to the most appropriate use of the area requested as identified in the reservation process. The demands on the facility as well as the size of your event will be considered in determining space assignments.

Approval and confirmation by the Office of Events must be received before an event is planned or publicized. Once approved, follow up communication will be sent out by the Office of Events to finalize any additional event needs. If the event is a Summer Camp or Conference, the Office of Events will send follow up information to help you complete your registration process. To learn more about ATU Camps and Conferences, see the ATU Camps and Conferences Procedure Manual.

The Office of Events recommends reservations for campus facilities be received by the least ten (10) business days in advance of the planned event for internal campus requests and at least twenty (20) business days in advance for external requests. Proposed events of significant scale may require additional lead time. The Office of Events will review submissions within three (3) business days. The Office of Events will make every effort to get the event approved if submitting after the deadline date, if space and resources is available. If the event request form is submitted within 24 hours of the event there is no guarantee that it will be approved.

Reservations can be made up to one year in advance for non-academic space that is made available under this policy. Academic spaces may be available after the class schedules have been established for each semester (November 1/ April 1). University Supported or Registered Student Organizations are able to reserve University facilities for events until 5 p.m. on the last day of class each semester, providing the event has been approved via the proper process. Registered Student Organizations are able to reserve facilities for the upcoming academic year beginning on July 1 annually.

A space may be placed on hold for ten (10) business days. Groups requesting a hold on a space will receive an email listing the space as “on hold”. **Holds will be released after two weeks if not confirmed.** If a room “on hold” is requested by another group for the same date, the Office of Events will contact the group holding the room to either confirm the reservation or release the room within two (2) business days.

A cancellation due to inclement weather must be made at least four (4) hours before the event. Inclement weather is defined as any weather event that would reasonably prohibit the safe facilitation of the scheduled event to include, but not limited to, rain, lighting, wind, snow or ice. If Arkansas Tech University closes because of inclement weather the event will be cancelled. Please contact the Office of Events to reschedule.

Uses of Arkansas Tech University spaces and grounds are divided into three categories:

### **Category 1- Arkansas Tech University event**

Administration, Faculty, Staff, University Supported Organizations and Registered Student Organizations. An “event” is defined as any university activity that is not a regularly scheduled academic class or intercollegiate athletic event. The reserving department or organization must be the user of the space and present at the event. Students who are not members of a Registered Student Organization may request space for such purposes as required for their academic classes (projects, study sessions, etc.) and students with the intent to explore the creation of a new Registered Student Organization are eligible to make reservations in certain non-academic facilities and designated outdoor spaces. There is no charge for facility fees but the user may be responsible for any direct expenses including personnel and equipment rental.

### **Category 2- Arkansas Tech University Co-Sponsored events**

University Co-Sponsored Events are academic programs, conferences and/or meetings involving two entities- a University school, academic department, administrative unit or student organization and an outside organization, such as a professional association, in which the University holds membership or maintains a relationship that directly benefits the University community. An individual faculty, staff, or student membership in an organization does not necessarily make an event of that organization an integral part of the University’s mission.

The following criteria must be met in order for the event to be considered co-sponsored:

1. Support from an appropriate academic dean or vice president to ensure that the University's educational mission is properly maintained. Co-sponsorship will be established after receipt and approval of a letter written by the department chair or director.
2. The on-campus department will provide an ATU contact/coordinator for the event.
3. A member of the on-campus department must be on-site at all times.
4. In order to minimize liability risks, the University may also require a Certificate of General Liability Insurance depending on the nature of the activity and at the University's discretion.
5. All co-sponsored conferences and events must have the University name and logo on all conference materials, including all marketing and pre-conference publications. Publications should also be pre-approved by the Office of Marketing and Communications.

Because the event will be co-sponsored by the University there is no charge for facility fees but the user may be responsible for any direct expenses including personnel and equipment rental.

### **Category 3- External**

External events are campus events for groups or individuals that exist primarily outside of the organizational structure of Arkansas Tech University. External events can be located at: Doc Bryan Student Services Multipurpose Room 242 and Chambers West Dining Room. To have an event on campus interested parties need to:

- Review the Office of Events policies and guidelines.
- Provide full disclosure of necessary details pertaining to the event being planned on campus.

External events will be charged full facility fees according to the University's Facilities Fee Schedule and will also be responsible for any direct expenses or associated costs. Category 3 users may be required to provide the University with a certificate of general liability insurance not less than \$100,000 per occurrence and \$300,000 in the aggregate. Depending on the nature of the activity and at the University's discretion, this amount may increase. The certificate of insurance must name Arkansas Tech University as additional insured and specify the date(s) of the covered event.

The facility fee represents a "four walls" rental, or basic use of space. Other fees may be assessed for staffing, technical support or use of equipment.

Food, beverage and catering services may only be obtained through the University's recognized food service provider. Arkansas Tech University's food service provider, Chartwells, has exclusive domain over food service activity on the Arkansas Tech University Russellville campus.

All members of the University community, lessees of University facilities and guests are required to comply with federal, state, and local laws regarding the possession, consumption and distribution of alcoholic beverages.

All students, employees, and visitors who park a motor vehicle on campus must have a parking permit at all times. These permits can be obtained by the Arkansas Tech Department of Public Safety.

Special event parking that attracts off campus visitors (non students / non employees of ATU), should be coordinated at least five (5) business days in advance with the Arkansas Tech Department of Public Safety. Students and employees of ATU must always display a valid parking permit and park in their designated areas, even while attending events on campus.

For events expecting a large audience, there will be hourly charges for a University Police officer. The number of personnel will be determined by the Arkansas Tech Department of Public Safety. There is a minimum of 4 hours per officer. The Arkansas Tech DPS should be contacted ten (10) business days in advance. Any event over 200 people in attendance, a minimum of 2 officers will be present. Also for any events that run after midnight there will be at a minimum of 2 officers for the event.

The use of the name Arkansas Tech University, for purposes other than to indicate the location of the event, must

be approved in advance by the Office of Marketing and Communications. Permission to use the University's name or images, when granted, shall include the understanding that such permission does not involve, expressly or by implication, any endorsement or sponsor relations with Arkansas Tech University. In cases where a sponsor relationship between the University and the organization does not exist, this relationship shall be clearly set forth in all applicable documentation.

Requests for the use of campus space for the purpose of filming or photography requires the approval of the Office of Marketing and Communications.

The Office of the Registrar maintains the schedule of all classroom activity connected with Arkansas Tech University academic programs and has first priority with regard to Arkansas Tech University space. The Office of Events has the authority for booking event space not related to regularly scheduled classes.

**Priority in the event of a scheduling conflict is as follows:**

1. Academic use to support the on-going instructional program of the institution
2. University use
  - a. Office of the President
  - b. Vice Presidents or Athletic Director
  - c. Faculty
  - d. Staff
  - e. University Supported Organizations
  - f. University Registered Student Organizations
3. University Co-Sponsored Event
4. External events

In the event that the Office of Events feels it must deny a request for the use of campus facilities, the Coordinator of Events Management will document the reason for such denial and the requestor will be notified.

Events will not be scheduled for external entities during periods when the university is closed or observed holidays. The exception is the events planned in celebration of the Martin Luther King, Jr. holiday. The university is not considered closed on weekends.

If it is necessary to cancel a reservation, the requesting party should notify the Office of Events at least two (2) business days prior to the reservation. Once it has been cancelled in the Office of Events the assigned venue event coordinator will be notified. Cancellations can be submitted via email, in person, or online through the cancellation form.

Office of Events holds the right to cancel any reservation thirty (30) days prior to the event in order to meet the needs of the University.

No organization may request a location for another organization's use. Event requests must be submitted by the intending organization and are not allowed to be transferred between organizations.

Events/activities may not block or impede hallway or emergency exits of the free flow of intended building or campus traffic. All exit lights are not to be tampered with in any way.

The number of participants for an event cannot exceed room or facility capacities as established by the fire marshal.

The organization/department must take proper care of the building and its equipment and is responsible for leaving the room clean and in the same condition as when the event started. The space should be free and clear of all trash and debris, and all decorative materials removed. The user and/or his organization are solely responsible for any damage, loss, accidents or injuries to persons or property that are a result or arise out of the use of Arkansas Tech University facilities and agrees to indemnify and hold Tech harmless from any claims, lawsuits, or grievances that arise from user/organizations use of the premises. All users are responsible for the conduct of their members and guests.

Meeting rooms will be in an “As Is” set up unless other arrangements are requested and approved by the venue event coordinator assigned to your event.

Nothing is to be taped, tacked, nailed or otherwise adhered to the walls in any manner. Confetti, glitter, streamers, and candles are prohibited in meeting rooms. No open flames (including candles) are allowed.

Animals, other than those trained to assist the disabled, are not permitted in University facilities (Jerry excluded).

Effective, August 1, 2009, use of any tobacco product including, but not limited to, smoking, dipping, or chewing tobacco is prohibited on campus. Use or possession of any illegal drugs is strictly prohibited.

Effective, March 12, 2018, Maximum Capacity Visitor (MCV) days: Three main categories of campus visitors typically comprise MCV days - prospective high school students and their parents, private industry, and conference/special event attendees. Examples of MCV days are Move-In, Time Out for Tech, and Career Fairs. On MCV days, BazTech, Chambers Cafeteria West Dining Hall, Ross Pendergraft Library the Student Services Conference Center (Ozark campus) are the primary facilities where these events are located. For visitor convenience, the Chambers Cafeteria parking lot and/or the west parking lot adjacent to the Ozark Student Services Conference Center (“West”) have been completely blocked off to allow visitor permitted parking only. For purposes of safety, ease of direction, and to avoid undue congestion, it is our recommendation that the university parking regulations be amended to provide that on days that are designated by the Executive Council as MCV days, beginning at midnight the day before the event, the Chambers Cafeteria and West parking lots, will be unavailable until 5:00 p.m. on the day of the MCV.

#### **Commonly Reserved Space for Registered Student Organizations and Students:**

- A. Non-Academic Facility Space.** Spaces are available for reservation with varying room sizes, audio/visual capabilities as well as seating, table, and configuration options. These spaces are traditionally used for meetings, programs, presentations, socials, and other similar events.
- B. Outdoor Event Space.** Areas located throughout campus are available for reservation with varying sizes to accommodate the needs of the users. These spaces are traditionally used for events, programs, and socials that would be well-suited for large and open outside venues.
- C. Tabling Areas.** Tabling Areas. Traditional tabling consists of one (1) or more people using a table to display material and interacting with students.

#### **The space categories defined above may be used for the following event types:**

- A. Structured Event.** Events which have a planned program or agenda and at which the audience is primarily seated. Examples of these events include but are not limited to general meetings, movies, comedians, variety acts, and presentations.
- B. Unstructured Event.** Events that do not have a planned program or agenda. Examples of these events include but are not limited to socials, mixers, receptions, and dances.
- C. Closed Organizational Event.** Events designed to foster a sense of social, educational, and cultural development for the University community and are only open to organizational members and invited guests hosting the event.
- D. Closed University Event.** Events designed to foster a sense of social, educational, and cultural development for the University community and are only open to University students, faculty, staff, and invited guests.
- E. Open Event.** Events which are open to the University community and to the general public.
- F. Late Night Event.** Events which occur after normal operating hours. These events require special permission through Campus Life and may require additional security as well as staffing.
- G. Tabling.** Events designed to promote Registered Student Organizations and University departments by displaying information on a table.

#### **Use of non-academic facilities and designated outdoor spaces are available to the following user groups:**

- A. University Supported Organizations.** Registered Student Organizations that are directly supported by the Student Activity Fee are able to utilize non-academic facilities and designated outdoor space. Additionally, with the approval of the Vice President for Student Affairs, these organizations may utilize alternate facilities



and space on campus. These organizations include the Student Government Association, Residence Hall Association, Student Activities Board, and GOLD Cabinet.

- B. Registered Student Organizations.** All Registered Student Organizations fully registered with Campus Life are eligible to make reservations in non-academic facilities and the designated outdoor spaces. Room rental fees do not apply for standard reservations.
- C. University Departments.** A University department is an official unit of Arkansas Tech University. Requests from University departments for use of non-academic and designated outdoor space should be primarily for educational purposes or programs and events officially sponsored by the University department. Room rental fees do not apply for standard reservations.
- D. University Related Groups.** Events or programs sponsored by a group related to the University in which an admission fee, registration fee, or entry fee is charged and where a majority of the people in attendance are non-University students, staff or faculty or an event or program sponsored in which there is no direct link to the educational mission or official sponsorship from a University department. Rental fees for use of these areas may be assessed.
- E. Special Group.** Students who are not members of a Registered Student Organization may request space for such purposes as required for their academic classes (projects, study sessions, etc.) and students with the intent to explore the creation of a new Registered Student Organization are eligible to make reservations in non-academic facilities and the designated outdoor spaces. Room rental fees do not apply for standard reservations.
- F. Non-University Group.** Non-university groups may request the use non-academic facilities, but not designated outdoor spaces, when space is available. Rental fees for use of these areas will be assessed.

#### **Detailed Space Definitions**

- A. Facility Space.** The following non-academic spaces may be reserved as outlined above:

- 1. Doc Bryan Student Services Center
  - a. Lecture Hall
  - b. Senate Room
  - c. Room 242
  - d. Doc's Place
  - e. Rotunda
- 2. Baswell Techionery
  - a. Room 202
  - b. Room 203

- B. Outdoor Event Space.** When using outdoor event space, at no time may any items be staked, hammered, or driven in the ground without prior approval from Facilities Management and Campus Life. Any items brought to the designated outdoor event spaces by the approved group must be attended to at all times. No items are to be left in the area. Failure to comply may result in future restrictions in reserving outdoor event spaces.

It is the responsibility of the group to provide their own sound/amplification devices, if desired and if permitted, in the reserved area. Not all areas have access to electricity. Groups must meet with the Campus Life staff prior to the event if desiring electricity.

The following designated outdoor spaces may be reserved as outlined above:

- 1. Caraway/Hull Lawn
- 2. Campus Recreation Fields
- 3. Centennial Plaza
- 4. Doc Bryan Student Services Center, Courtyard

5. Hindsman Quad
6. Old Textile Building Area (Tree Island)
7. M-Street Hall Back Lawn
8. Turner Volleyball Court
9. West Chambers Cafeteria Lawn
10. R Street Grass Field
11. Sand Volleyball Court (Jones/University Commons)

- C. Tabling Areas.** Registered Student Organizations and University departments requiring access to tables must request tables via the Event Registration form through theLink. Up to two (2) tables may be checked out. It is the responsibility of the group to pick up and return borrowed tables to the Doc Bryan Student Services Center, Student Involvement Center at the conclusion of the event. Tables must be placed on the grass directly beside the sidewalk or in a location that does not impede with any flow of pedestrian traffic. Chairs, table covers, and hand carts are not provided.

The following tabling areas may be reserved by Registered Student Organizations and University departments as outlined above:

1. Indoor
  - a. Baswell Techionery Main Floor
  - b. Chambers Cafeteria, Hallway
  - c. Doc Bryan Student Services Center, Rotunda
  - d. Doc Bryan Student Services Center, Doc's Place
  - e. Student Union, Lounge
2. Outdoor
  - a. Hindsman Tower
  - b. Doc Bryan Student Services Center, Courtyard
  - c. West Chambers Cafeteria Lawn
  - d. Old Textile Building Area
  - e. Nutt Hall Curve
  - f. Ross Pendergraft Library, South Entrance
  - g. Witherspoon, North Entrance
  - h. Chambers Cafeteria, Main Entrance
  - i. Chambers Cafeteria, Corner
  - j. McEver Sidewalk
  - k. Corley/Norman Corridor
  - l. Baswell Techionery, North
  - m. M Street Hall, Back Lawn
  - n. Sand Volleyball Court (Jones/University Commons)
  - o. Student Union, Patio Area

- D. Freedom of Expression.** Arkansas Tech University recognizes and supports the rights of the members of the campus community and visitors to speak in public and demonstrate in a lawful manner in outdoor areas of

campus. Detailed information on these areas is found in this handbook under Freedom of Expression. Reservations of this type of space is not required.

**Amplified Sound Regulations.** Groups using outdoor space must respect the rights of others by not creating noise disturbances on the campus, especially near classrooms and student residential facilities. The guidelines below apply regardless of whether or not amplified sound is being used at the event:

1. **Maximum Decibel Levels.** Absent a written waiver from Campus Life, outdoor events held on campus must adhere to the following noise standard:
  - a. A maximum level of seventy (70) decibels in approved locations
2. **Sound Systems.** Sound systems are permitted in approved locations from 11 a.m. to 11 p.m.
  - a. In all approved locations, speakers must be pointed away from any classroom building near the area. In the event of special academic concerns within buildings in the area, sound may be restricted at an event or users may be requested to lower volume levels.
3. **End of Semester Policy.** Outdoor events which could create noise disturbances on campus will not be approved after the last day of classes through the end of final exam week each fall and spring semester.
4. **Noise Compliant Procedures.** The Department of Public Safety will measure decibel levels at event site or from site of complaint upon notification. If sound cooperation cannot be met, DPS may end the event or require that groups lower the noise level.

## Common Facilities

### Baswell Techionery "Baz-Tech"

Baswell Techionery is a campus hang-out where students can be found relaxing, studying, socializing, and meeting. Baz-Tech house a food court, lounge area, outdoor patio, and general meeting rooms. Information regarding food court options and hours of operation can be found at <http://www.dineoncampus.com/arkansastech>.

Hours of Operation (Meeting Space)

Monday - Friday, 8 a.m. to 10 p.m.

Saturday, 10 a.m. to 6 p.m.

Sunday, 2 p.m. to 10 p.m.

### Chambers Cafeteria and Baswell Techionery

Chambers Cafeteria, Baswell Techionery, and Hull Hall Student Union are operated under contract by Chartwells Food Service, a national catering firm. Provisions are made for special diets and work or class schedules which conflict with serving hours.

Students who reside in certain residence halls are required to purchase a meal plan. All meal plans must be cancelled at the time of withdrawal from the University.

Any suggestions a student might have about the food service should be directed to Mike Vickers, Director of Dining Services at [mike.vickers@compass-usa.com](mailto:mike.vickers@compass-usa.com). During every meal period a Manager or Supervisor is always present in the dining area. If there are any issues, please tell them right away.

Off-campus students, faculty, staff, and alumni may purchase meal plans, or Wonderbucks by contacting Student Accounts at (479) 968-0271.

#### Hours of Operation:

##### Chambers Cafeteria

Monday - Friday 7 a.m. to 7 p.m.

Saturday and Sunday 10:30 a.m. to 1:30 p.m. and 4:30 p.m. - 7 p.m.

##### Baswell Techionery

Monday - Friday 8 a.m. to 10 p.m.

Saturday 10 a.m. to 6 p.m.

Sunday 2 p.m. to 10 p.m.

##### Hull Hall Student Union

Monday-Friday 11 a.m. – 9 p.m.

Closed Saturday and Sunday

When it is necessary to temporarily amend these hours, notice will be posted in the dining room in advance. You can follow Chartwells Food Service on Facebook at "Arkansas Tech University Chartwells". Also, visit the webpage at <http://www.dineoncampus.com/arkansastech/> for daily menus and more.

### **Doc Bryan Student Services Center**

The Doc Bryan Student Services Center houses most of the services that students need from the day they enroll until the day they graduate. Some of the offices found here are those of Student Affairs, Residence Life, International Student Services, Testing and Disability Services, Health and Wellness Center, Diversity and Inclusion, Student Involvement Center, Veteran Services, Veteran Student Lounge, and Commuter Student Lounge. A student lounge area and general meeting rooms are also included in this building. Further information regarding space available for reservation can be found at <https://www.atu.edu/events/index.php>.

#### **Hours of Operation (Meeting Space)**

Monday - Thursday, 8 a.m. to 12 Midnight

Friday, 8 a.m. to 9 p.m.

Sunday, 2 p.m. to 12 Midnight

### **Hull Building**

The J.W. Hull Physical Education Building houses a variety of facilities available to currently enrolled Tech students, faculty, and staff. These include four racquetball courts, Tech Fit, and two gymnasiums. Volleyball courts, basketball courts, tennis courts, and badminton courts are marked off on the gymnasium floors. Baskets and lockers are available for day use only to students participating in recreational activities and classroom experiences. Facilities are available daily and weekends when they are not being used for classes or reserved events. Please call (479) 498-6088 for Tech Fit information and (479) 968-0344 for recreation information.

Tech Fit, the fitness center, located in the Hull Building offers a variety of exercise options for students including:

- Two circuits which consist of 15 different Nautilus weight machines and 13 steps. Circuit training is a mixture of weight training and cardio at the same time.
- A number of free weights and machines. For example, bench press, dumb bells, and weight bars with attaching weights are available. On the walls, there are posters with exercises for different types of strength training from which people can get work out ideas.
- Many cardio machines for exercise options. These include: treadmills, ellipticals, and stationary bicycles. There is also a track all the way around Tech Fit, where 20 laps = 1 mile. There are televisions to watch while exercising. The televisions have closed captioning and can be heard through an FM radio.
- Abdominal training which includes an incline sit-up bench, stability balls, medicine balls, and Bosu Balance trainers.

### **Textbook Brokers Russellville -The Official ATU Bookstore**

Doc Bryan Student Services Center

Fall and Spring

Monday - Friday 8:00 a.m. – 6:00 p.m.

Saturday 10:00 am – 2:00 pm

[atu@textbookbrokers.com](mailto:atu@textbookbrokers.com)

### **Post Office**

Post Office Window Hours Monday - Friday 7:30 a.m. - 4:15 p.m.

Post Office Lobby Hours Monday - Sunday 7 a.m. - 10 p.m.

### **Student Union**

The Student Union is located in Hull Hall and is known as the living room of campus. This unique facility is home to a variety of activities such as billiards, ping pong, board games, and many more! The Student Union also features a patio

area with a fire pit, lounge furniture and outdoor games. More information can be found at [www.atu.edu/studentunion](http://www.atu.edu/studentunion).

#### Hours of Operation

Monday - Thursday, 10 a.m. - 10 p.m.

Friday, 10 a.m. – 10 p.m.

Saturday, 1 p.m. - 8 p.m.

Sunday, 3 p.m. - 10 p.m.

## ON-CAMPUS LIVING

### Guide to Living in University Operated Housing Facilities

#### University Operated Housing Facilities Rules and Regulations

These rules and regulations are a binding part of your Housing Contract with Arkansas Tech University and the Department of Residence Life, and are provided for and applicable to all University Operated Housing Facility residents including, but not limited to, those of the University Operated Apartments and University Operated Residence Halls. All University Operated Housing Facility residents are responsible and subject to all of the policies listed in the Student Code of Conduct located in this Student Handbook. By abiding by these rules and regulations, we expect that all residents will better enjoy the University operated residential living experience. A violation of any of these rules and regulations may cause increased operating expenses, including, but not limited to, clean-up costs, increased management and labor costs, and increased utility costs. Please understand that any violation of one of these rules and regulations constitutes a default in the Housing Contract and could result in eviction action or other legal proceedings provided for under the Housing Contract or provided by law. In accordance with your Housing Contract, and security deposit thereunder, you may be charged for violation of these rules in order to offset those increased costs.

#### Residence Life Staff

The Department of Residence Life utilizes a variety of staff members to provide our students with a safe, friendly and educational living environment that provides the best environment for student success.

In addition to our Main Office staff in Doc Bryan, we have multiple **Assistant Directors**, all full-time, master's degree earned, professional live-on and off staff members who help after hours response needs. Our Assistant Directors supervise our Resident Directors and Student Staff to ensure the best possible service to the residents in the halls.

Our **Resident Directors (RD)** are graduate students who have been trained to provide the necessary leadership, supervision, and problem solving skills to their area. Our RDs are committed to providing a positive living environment for our students and implementing a variety of strategies to ensure student success. These live-in staff members have direct supervision over our Student Staff and are responsible for the daily operations of our residence halls. Our RDs are viewed as valuable resources not only by the residents but also by our Residence Life Department as a whole.

Our student staff will be one of the first students you will meet when you arrive at Arkansas Tech. Our student staff are specially trained to work with the residents. They are responsible for developing a sense of community amongst residents. Each student staff has met special criteria (2.5 Semester GPA/2.5 cumulative GPA or better, residence hall living experience, and is in good standing with the University) and has been trained to best promote community development. They will encourage campus and community engagement to enhance the student's academic and social experience outside of the classroom. They are also a resource person for the residents and are available to assist them in any and all facets of their college experience. In the event that virtual support is needed each role is structured and trained to provide the necessary support to provide impactful student outreach services virtually. Each student staff position is further explained below.

The **Resident Assistant (RA)** is the community facilitator living with the students. The RA is a current student that is specially trained to work with the residents. They are responsible for developing a sense of community on the floor. The RA is responsible for administrative work on the floor, and acts as a mentor and advisor to their residents. In cooperation with the students, the RA enforces the policies and procedures in the residence halls. They are also a resource person for the residents and are available to assist them in their college experience.

The **Residential Experience Assistants (REA)** serve as the main facilitators of events and programming occurring in the residence halls. They will focus on providing passive and active programming to promote social engagement along with educational components.

The **Peer Health Advocates (PHA)** will offer peer mental health support to students throughout the year. In cooperation with the Health and Wellness Center, PHAs will provide health-related educational programming in the residence halls. They will also host office and listening hours in the Health and Wellness Center.

The **Community Assistants (CA)** focus on academic initiatives within our Living and Learning Communities and Networks.

They offer support and mentorship to students in their transition to college life. CAs will act as a liaison for our academic partner within each of our LLCs and Networks and work to put on engaging activities.

**Housing Ambassadors (HA)** assist in the Department of Residence Life with front desk operations and other administrative tasks. They maintain showrooms, guide tours, and participate in campus-wide events such as Opening Day, Open House, Time Out for Tech, and Homecoming. Housing Ambassadors recall and communicate information about policies and residence life communities and connect with incoming students and accompanying parties.

**Marketing Interns** assist with all marketing needs for the Department of Residence Life. Developing marketing materials including, but not limited to, designing images for flyers, clothing, or marketing materials. Assist with all needs regarding marketing communication from the Department (flyers, newsletters, videos, training materials/videos, and other visuals) and script, recording, and productions for ATU Live.

The **Building Manager (BM)** oversees the upkeep and maintenance of the residence halls. BMs will follow up with residents about work orders and take a proactive approach to keeping the communal areas well kept.

**Student Maintenance Assistants (SMA)** work directly with our Facilities Management team to assist with facility issues and concerns, moving furniture, and fulfilling other administrative tasks to ensure positive living experiences.

**Transition Assistants (TA)** work during the peak time of the year to help assist in move in and closing every semester. They will prep, clean, and arrange rooms and common spaces to ensure halls are ready for our residents.

**Housekeeping and Maintenance Staff** work within the Facilities Management Department to ensure that residents have clean and well-maintained areas in which to live and learn. However, each resident is responsible for cleaning their own room as well as their own bathroom areas in those halls that provide private, suite style and semi-private bathrooms.

We hope that you will take time to get to know your residence hall staff. They are all anxious to assist you in any way possible. If you are interested in joining our staff, talk to your current RA or inquire in the Department of Residence Life.

## Residence Hall Living

At Tech, we believe living on campus is a valuable and important part of your college experience which encourages growth, development, and maturity. Activities and programs are planned to assist you in adjusting to the Tech community and to foster personal growth through student engagement. The Tech residential curriculum will help you meet new people, develop your leadership skills, learn life skills and empower you to become part of the campus community.

Students who take part in one of our many residential opportunities are more likely to get involved in campus organizations, join in a part of the many campus activities, and have a greater sense of belonging to the Tech community. It is because of these factors that we have a strong commitment to offering the best living environment to our students. As a result of our programs success on the overall student experience, our housing policy requires students between the ages of 18 and 21 years old to live on campus until they have earned 60 credit hours.

We know that each student has their own unique interests and needs. That is why, in an effort to accommodate our students, we offer a variety of living options. Everything from a traditional campus hall environment to suite-style living, as well as sorority housing to apartment-style housing for our upperclassmen, which is available in one of our 11 campus communities. University Housing Facilities includes all residential halls and University operated apartment style buildings. All of the policies for residential living apply to all styles of University Housing Facilities.

## On-Campus Residency Requirements

Single students between the ages of 18 and 21, and with fewer than 60 earned credit hours of college work, who are Russellville campus students are required to live on campus, as space permits, in University owned housing facilities. These students are required to purchase a meal plan unless living in the University operated apartments with fully operational kitchens within the unit. Exemptions to the On-Campus Residency Requirement include: students living with immediate family (Mother, Father, or Legal Parental Guardian) within 30 miles driving distance of the Russellville, Arkansas campus, married students, or students with dependent children. Students under the age of 18 must sign the Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus prior to being allowed to sign a

housing contract and live in On-Campus housing. The Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus is available through the Department of Residence Life at <http://www.atu.edu/reslife/>. Students age 17 or under on or after January 1, of the current year academic term are not permitted to live in University owned housing facilities.

## **Ozark Campus Students**

Ozark campus students are not required to live on campus but are welcome to live on campus, if needed. Interested students should contact the Department of Residence Life at (479) 968-0376 for further instruction.

## **Eligibility**

To be eligible to be a Resident in **University residential housing**, a person must carry a meal plan (for residents of University operated apartments with fully operational kitchens within the unit; a meal plan is optional) and be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester or a minimum of six (6) graduate hours each semester. The University reserves the right not to contract with persons who are currently violating or have previously violated the terms and conditions of a housing contract or other University rules or regulations, or who have a past due balance with the University. All residents living in the halls are required to pay a one-time pre-payment of \$100.00.

To be eligible to be a Resident in the **University Operated Apartments**, a person must be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester or a minimum of six (6) graduate hours each semester. Initial preference for University Operated Apartment assignments will be given to those students who have earned a minimum of thirty (30) credit hours of college work and have a minimum (2.5) cumulative grade point average. The University reserves the right not to contract with persons who are currently violating or have previously violated the terms and conditions of a housing contract or other University rules or regulations, or who have a past due balance with the University. The maximum number of persons occupying an apartment shall be no more than four (4) persons in a four-bedroom apartment, and no more than two (2) persons in a two-bedroom apartment. No other occupants are permitted.

## **Housing Contract**

Your housing contract is a legal document, and it is binding for the entire academic year. Please read the contract carefully before signing. Rental insurance is highly recommended for each residential student to obtain on their own and is separate from the university. Withdrawal from the University does not automatically terminate your housing contract, neither does removal from housing for conduct policy violations, nor does loss of any scholarship and/or financial aid. Room and Board charges will continue to accumulate until an official check-out has been completed. Check-out is complete when all belongings have been removed from the residence hall, the residence hall room is cleaned by the student, related keys are returned, and a staff member has completed the necessary check-out paperwork with your signature. Prior to your check out you must communicate with your Resident Director to file appropriate paperwork.

If there is sufficient demand and available space, students needing break housing may be (at the discretion of the Department of Residence Life) accommodated at a daily rate in a designated housing facility.

## **Meal Plans/Board**

Residents are required to purchase a meal plan unless living in University operated apartments with fully operational kitchens within the unit. Residents select their meal plan in the housing portal. Should a resident fail to select a meal plan in the housing portal, the resident will automatically be placed on a meal plan. Residents have until the 5th day of class each semester to change their meal plans. Residents will not be allowed to change their meal plan after 5:00 p.m. on the 5th day of class for the semester. Meal plans will begin on the official day of move into the residential communities (Not including early arrival dates) and end on the Tuesday before graduation. Meal plans are non-transferable. Meal plans are operated separately from the Department of Residence Life. Therefore, any inquiries for meal plans should be directed to Student Accounts, Brown Hall, Suite 241, Russellville, AR 72801, (479) 968-0271.

## **Check-In/Check-Out Procedures**

Check-in and check-out procedures are crucial. The instructions posted at the beginning and ending of each semester should be followed. If these instructions are not followed, disciplinary action may be taken.



## Move-In

For Fall/Spring Move-In refer to our Move-In Guide for more information.

## Check-In

Please report to the designated space to check-in where residence life staff will assist you through the check-in process. An Emergency Contact Form filled out through Roompack is required for check-in. During check-in, the Emergency Contact Form will be verified and keys will be issued. For details about the check-in process, please visit <https://www.atu.edu/reslife>.

## Check-Out

Please follow the official steps designated by the Department of Residence Life for your specific check-out circumstances. For details about the check-out process, visit <https://www.atu.edu/reslife>.

Before your scheduled appointment, move out all personal items, clean your room thoroughly, which includes sweeping and/or mopping the floor. The room should be arranged in the original setup. The housing staff will then check your room for any damages. You will be billed for any damages, missing keys, or cleaning costs. Abandon property left in the room/suite/apartment by a vacating resident will be removed at the resident's expense per the Abandoned Property Policy in this handbook.

Students are required to vacate their rooms within 24 hours after their last final examination. Residents who have a final exam on the last day must check-out no later than 9:00 p.m. on the last day of finals. Exceptions are made for graduating seniors and students who are participating in graduation exercises. Students who meet these criteria must fill out the extended stay request form with the Department of Residence Life to receive special permission to remain on campus. Students who check-out improperly may be assessed a fine. Improper check-out applies to improper room changes, failure to return assigned keys, failure to sign paperwork for room departure, failure to check-out at the end of the semester, and for checking out late.

## Room Consolidation

Students who are in a non-paid single room may be subject to the room consolidation process. Information will be sent to the students that are involved in the process. However, the University reserves the right to make and alter the student assignment and roommate assignments.

## Roommates

One of the most significant relationships you will develop on campus is the one with your roommate. Whether you know your roommate ahead of time or not, the development of this relationship is key in creating a positive environment to live and learn in the residence halls. Students are required to complete and follow the roommate agreement. Policies are in place to ensure the agreed upon terms are upheld. We want you to have the best experience possible on campus, so here are a few tips that will help cultivate a good relationship with your roommate. Before you arrive, use our roommate matching software on the housing portal. This process will allow you to connect with other residents who have similar interests and potentially find the best fit for you. Once you and your roommate arrive on campus, consider the following:

- Using our online roommate agreement form on Roompack, sit down with your roommate during the first few days and decide how to handle setting and turning off the alarm, discuss anticipated normal bedtime, sleeping habits (darkness, radio to sleep by, etc.) study patterns (music and TV on during study time), and feelings on food and visitors in the room.
- Divide all cleaning responsibilities.
- Find out how your roommate feels about lending things to other people such as clothes, money, cars, etc.
- Discuss how to handle visitors. If you have a roommate with friends who like to stay up late or socialize, you may be in a situation where a compromise will need to be negotiated.
- Respect your roommate as an individual. Don't depend on him/her to satisfy all of your emotional and social needs. Make other friends too.

- Always discuss issues and concerns with your roommate directly. The best advice we can offer is to be courteous, thoughtful, and considerate to your roommate. Please keep in mind these basic rights of a roommate:
  - The right to live in a clean building and room
  - The right to expect that a roommate will respect one's personal belongings
  - The right to read and study without undue interference
  - The right to sleep without undue disturbance from noise, roommate's guests, etc.
  - The right to free access to one's room and facilities without pressure from a roommate
  - The right to personal privacy
  - The right to be free from fear or intimidation and physical or emotional harm
  - The right to have guests during visitation hours with the expectations that guests are to respect the rights of the host's/hostesses roommate or other hall residents
  - The right to have reasonable cooperation of the use of the amenities in the room

If you encounter a difficult or uncomfortable situation with your roommate, and have discussed the matter with that person, without resolution, please contact your Resident Assistant for help. The Resident Assistant can help you work out those challenges in a professional way and provide you with guidance and helpful suggestions. The next step is working with your building Resident Director to facilitate conversations between you and your roommate.

Any arrangements set out in your roommate agreement may be considered policy for your shared space, so long as those arrangements are not in disagreement with policies set out in the Student Handbook, and violations of the roommate agreement may result in disciplinary action.

## **Emergency Procedures**

An Emergency Procedure Guide is provided in every residence hall room and apartment and can be found on the wall near the entry door. The Emergency Procedure Guide is property of the University and must remain in the assigned location in the room or apartment except when being used for reference or in case of emergency. Removal of or damage to the Emergency Procedure Guide may result in disciplinary action.

## **Maintenance Request Procedures**

If a student has a maintenance request or other concerns regarding the physical upkeep of their room (plumbing problem, broken heater, etc.) they can complete an on-line work request. Students can submit their concern by going to the housing portal and clicking on the "Maintenance Request Form" at <https://atu.starrezhousing.com/StarRezPortal>. If a serious maintenance concern arises after 5:00 p.m. or during the weekend, the student should submit a work request and contact their on-call staff via phone.

It is important that you report problems before they become an emergency by providing specific details regarding your need/issue. For example:

1. Your bathtub draining slowly vs. your bathtub has standing water and won't drain at all.
2. The pipe under the sink dripping vs. the pipe has been leaking for a month and now has a steady stream of water.

## **On-Duty Personnel**

A member of the Department of Residence Life Staff is on duty at all times. If you have a security, maintenance, or other concern from 8:00 a.m. until 5:00 p.m., Monday through Friday, please call the Department of Residence Life at (479) 968-0376.

After 5:00 p.m. and on weekends, there is a Resident Assistant on-call in each facility. Go to [www.atu.edu/reslife](http://www.atu.edu/reslife) to view the on duty telephone number for each residence hall.

**In case of any emergency please dial 911.**

## Public Safety

The Arkansas Tech University Department of Public Safety is charged with maintaining order and enforcing the rules and regulations of the University. The responsibilities of the office include such duties as patrolling the campus, enforcing parking and traffic regulations, investigating accidents and reported incidents, and providing security for the University.

The Department of Public Safety has the same enforcement powers as other state law enforcement agencies. Should an emergency situation arise, please contact emergency personnel immediately by dialing 911. To report a non-emergency situation to Public Safety, you may reach them by dialing (479) 968-0222.

## Traffic Regulations

A revised brochure listing traffic regulations is distributed at the time of hangtag purchase. Additional copies are available at the Department of Public Safety. Information regarding ticket appeals may be obtained from the Department of Public Safety. It is the responsibility of any student moving from one living unit to another living unit to exchange their hangtag to match their new parking zone.

## Insurance

Many homeowners' insurance policies cover students' belongings while away at college. We recommend that you check with your family and insurance agent to verify that coverage exists for your personal belongings while living on campus.

If you do not have coverage, information on low-cost insurance programs are available and can be found on the Residence Life website at <https://www.atu.edu/reslife/resources/resources.php>. Arkansas Tech University is NOT responsible for personal property that is lost, stolen, or damaged in any Residence Life facility.

## Fire

Should the fire alarm in your residence hall be activated, every resident is required to evacuate the building immediately using the nearest stairwell or exit. Do not use elevators. Upon moving into your residence hall, please review all emergency evacuation plans posted throughout the building. In the event of a fire, please keep the following tips in mind while evacuating the building:

- Feel the door from top to bottom
- If the door is cool, crouch low and open the door slowly
- If visibility permits, exit by using the stairwells
- Remember to stay as low as possible, crawling if necessary when smoky conditions exist
- If you encounter heavy smoke in a stairwell, go back and use another set of stairs
- If trapped in a room take the following steps:
  - If possible, call 911 and report your situation
  - Wedge wet towels or clothing under the door jamb to keep smoke out
  - Keep a soaked towel over your head
  - Stay low, try to breathe fresh air near the window
  - Open window and signal firemen with a sheet or blanket

Failure to evacuate the building during an emergency or while the alarm is sounding will result in disciplinary action.

## Tornadoes

In Arkansas, tornadoes generally occur during the months of March through September, but can occur anytime. Be alert for these danger signs: severe thunderstorms with frequent lightning, hail, roaring noise, funnel clouds, heavy rain, strong winds, and loss of electricity. A tornado watch indicates that conditions are conducive to the development of a tornado. If a tornado develops the local office of the National Weather Service will issue a warning bulletin to local

authorities as well as the local media (TV networks and radio stations). ATU is located in Pope County. When a tornado watch is issued, students are not required to seek shelter. A tornado warning is issued when a tornado has been sighted or detected by radar. Residents must seek shelter immediately. You will be alerted about severe weather, even during evening and night hours. Please follow the recommended procedures listed below when seeking shelter:

- Go to the lowest possible floor
- Stay away from windows and do not open any windows
- If possible, go to an area that is reinforced (i.e. a bathroom or shower stall)
- If time allows, get a mattress/pillow to help shelter from flying debris
- Stay in a crouched position until you have been cleared to return to your room

## **Nuclear One Warning**

In the event of an emergency at Arkansas Nuclear One, the emergency warning system will sound. You will hear a steady siren signal from the central Russellville area. The warning system is tested at noon each Wednesday, the same siren activates during a tornado warning. Radio stations will broadcast information regarding evacuation procedures. Arkansas Tech University is located in Zone H – which evacuates to Morrilton High School. An evacuation map with additional information is available in Student Affairs in the Doc Bryan Student Services Building.

## **School Closings and Updated Emergency Information**

The best place for emergency notifications is the Arkansas Tech University ALERT System. All students are automatically enrolled into the ATU Alert system. This system allows ATU to disseminate mass notification messages via text, phone call, and email, as well as alert boxes and desktop computers physically connected to the ATU Network. Tests are done on this system every semester.

The next best place for emergency information/school closings is [www.atu.edu](http://www.atu.edu). Other media outlets as listed below may also provide information: KATV Channel 7 Little Rock, KCAB AM 980 Russellville, KARK Channel 4 Little Rock, KARV AM 610 Russellville, KTHV Channel 11 Little Rock, KCJC 102.3 Russellville, KFSM Channel 5 Fort Smith, KWKK 100.9 Russellville, [www.weather.com](http://www.weather.com), Arkansas Tech News.com, and OneTech.

## **Residence Life Services**

### **Health and Safety Checks**

The residence hall staff will conduct health and safety checks at least once per semester in all Residence Life facilities. These inspections are to ensure that room smoke detectors are in proper working order, University policies are being followed, window locks are working, and that there are no other hazards present. Advance notice of 24 hours will be given prior to conducting health and safety checks.

### **Air Conditioning**

All of the residence halls are air conditioned. In halls without window units, the air conditioning operates on either a 2-pipe or 4-pipe system. In a 2-pipe system building, air conditioning is turned off in the fall semester as temperatures drop and turned on again in the spring semester. The Department of Residence Life along with Facilities Management will determine these shut-off and start-up times based on the stabilization of nighttime weather temperatures. Residents will receive notice of the shifts between air conditioning and heat.

### **Laundry Services**

Washers and dryers are provided in every residence hall. The cost to operate the machines is included in your housing fees. Please do not overload the washers and dryers. If the machines fail to function properly, please contact your Resident Assistant and/or submit a laundry machine service request at <http://www.atu.edu/reslife/resources/resources.php>. High efficiency detergent is recommended. Our Caldwell and Gregory Laundry Services has many convenient features to help you monitor your laundry. Check out the website following the link above.

### **Service or Assistance Animals Accommodations**

Residents requiring aid by a service or assistance animal must be registered at Disability Services. Residents receiving this accommodation must comply with the terms and conditions of the University Service and Assistance Animal Policy.

### **Living Learning Communities (LLCs)**

Living Learning Communities are specialized living environments connected to co-curricular activities that enhance participants overall academic experience. Participants are connected to their peers through shared common interest/major, same building/floor, and enroll in the same course associated with their specific LLC

**MISSION:** To collectively enhance and support the missions of the institution by providing co-curricular experiences that enrich learning and academic performance through curriculum driven programs and intentional interactions.

**VISION:** Our Living Learning Communities will help participants progress towards their academic goals and build meaningful campus connections.

### **ENGINEERING I**

Who: Incoming Freshmen

What: Engineering I provides an Interdisciplinary opportunity to build community through academic collaboration, high impact practices, and interactive living environments that promote higher learning.

Where: Jones Hall

Major: Electrical or Mechanical Engineering

Requirements: Math ACT score of 24 or higher, or a grade of C or higher in MATH 1113, or MATH 1914, or MATH 1203, or consent of the instructor.

1st Year Course(s): ELEG 1011 or MCEG 1011

Advisor(s): Dr. Matthew Young

### **ENGINEERING II**

Who: Sophomore, Junior, and/or Senior Engineering Majors

What: This is currently the only second year experience program designed to empower sophomores to excel by providing opportunities to create next level academic and professional experiences. This program will provide a members only experience with its exclusive engineering computer lab and programs. In the lab is a 3D printer which is the perfect place to study while also being just steps away from Corley Hall. Engineering II participants will serve as peer helpers to Engineering I students.

Where: Jones Hall

Major: 2nd Year Electrical or Mechanical Engineering Majors

Requirements: Completion of MATH 2924

2nd Year Course(s): MATH 2934 and ELEG 1011-002 or MCEG 1011-002.

Advisor(s): Dr. Matthew Young

## **Leadership**

Who: Incoming freshmen

What: The Mary B. Gunter Emerging Leaders LLC consists of residents who have declared the Leadership Studies minor or are extremely interested in developing or enhancing their leadership skills. This community is designed to bring together students from a variety of academic disciplines to learn about leadership and how to practically apply it in the real world.

Where: Wilson Hall

Course(s): LEAD 3003 & CSP 1013

Advisor(s): Dr. Jeremy Schwehm and Megan Bell

Available Spaces: Until filled

## **STACK**

Who: Any student interested in gaming and joining the campus ESports team.

What: ESports club members will pay a membership fee \$10 and gain access to our elite newly built gaming lab.

Where: Paine Hall

Course: No courses are required.

Advisor(s): Kerry Shannon

Available Spaces: Until filled

## **University Honors**

Who: Only students admitted into the Honors College

What: The University Honors LLC will help students maintain a sense of community and enhance personal learning skills where they live while also engaging their minds in honors courses that are conscientiously designed to augment critical thinking skills.

Where: M Street 4th Floor

Course(s): Assigned by University Honors

Advisor(s): Dr. Georgeanna Wright

Available Spaces: 30

## **Residence Hall Programming Board**

The Residence Hall Programming Board is an on-campus organization that hosts community engagement programs for all students who live in University Operated Housing.

## **Rules and Regulations for all Residence Life Facilities**

In addition to the rules and regulations listed below, Residents are responsible for observing all other University policies, regulations, guidelines as well as all regulations outlined in the Student Code of Conduct, the University catalog, and local, state, and federal laws. Areas of campus are under video surveillance.

### **Alcohol**

Use, possession (including ingestion), and/or distribution of alcohol, alcohol containers (empty or populated), being present at a gathering in which a reasonable person would be aware alcohol is present and/or passive participation, and illegal substances or public intoxication are strictly prohibited. This regulation pertains to any person, regardless of age, student status, or position held within or outside of the University. To avoid any possible misunderstandings, empty alcohol containers (including boxes) are not permitted in Residence Life facilities.

Discovery of alcohol will require immediate disposal of the beverage in your presence by a Public Safety Officer as well as disciplinary action.

Students requiring staff or medical assistance due to alcohol consumption may be subject to disciplinary action.

## **Bicycles/Motorcycles**

Students are permitted to bring only one (1) bicycle to campus. Any bike possessed or operated on campus must have a valid permit affixed and must be parked at a bike rack, locked and operable. The Department of Residence Life recommends that all bicycles are locked securely with a high quality "U-Lock". Bicycles are not to be parked inside buildings. Riding bicycles, skateboards and roller skates indoors is prohibited.

Bike permits can be obtained at no cost at the Department of Public Safety. Bikes may be impounded for lack of registration, no current permit affixed, improper storage, or for being inoperable. Bicycles attached to meters, signs, trees, light poles, stairwells, posts or any area other than a bike rack will be impounded and fees assessed. The Arkansas Tech University Bicycle Registration Policy can be found at <http://www.atu.edu/psafe/docs/arkansastechbicyclepolicy.pdf>.

Motorcycles and mopeds may not be stored in any housing facility and should be parked in designated parking areas.

## **Building Entry/Room Entry and Building Security**

For your safety and security all residence halls are locked 24 hours a day, 7 days a week. Residents should always carry their keys and ID cards with them. Keeping the doors locked is important. Residents should never open the doors for strangers or leave outside doors propped open. Students found propping open doors or breaching the hall security will face disciplinary action (including, but not limited to, sharing keys, access cards, etc.)

Entering or exiting through windows is prohibited. Residents and guests are to enter and exit through designated entrances only. Propping doors open, including entry, hallway, and room doors, or tampering with door closing or locking mechanisms is strictly prohibited. Students who engage in propping doors will be subject to disciplinary action.

## **Common Areas/Public Areas**

Personal belongings are not to be left in the bathrooms, kitchens, studies, lounges, hallways, stairwells, or any other public areas due to health and safety concerns. Any personal items found in these areas will be removed. The University is not responsible for items left in common areas.

Rowdy activity, wrestling, running, excessive noise, outdoor games and use of mobile recreational devices are not permitted in hallways or public areas due to disturbance and safety of other residents.

## **Wireless Internet**

Wireless Internet is provided in each residence hall room and apartment. Cable splitters, hubs, routers, or other devices that are not provided by the university and alter wireless service or the campus network is prohibited. In addition, residents are required to use surge protectors when operating personal computers in their room. Residents must abide by the University Computer Usage Policies.

For more information about computer policies and requirements please visit <http://www.atu.edu/resnet/>. Residents are required to use surge protectors when operating personal computers in their rooms. Wireless routers and wireless printers are prohibited in the residence halls. All University Computer Usage policies are enforced within the student's residence hall rooms.

## **Damage Costs and Insurance**

Residents are held financially responsible for any damage that occurs in either public or private areas of Residence Life facilities. Residents should complete a Room Damage Reporting Form when they check into their room. This report records in detail the condition of the room at the time of check-in. Rooms are checked against this record at the time of check out. Students will be held liable for any damages, lost property, or unusual service to their rooms caused by accident, neglect, or intent. When two residents occupy the same room and the University cannot ascertain responsibility for damage or loss in the room, the cost will be divided equally between the residents of the room. Charges will be posted to the students account within 30 days of the checkout date/semester end.

When damages occur in the public areas of a building, all residents of that building can be held liable for the repair cost or fines. If the damage occurs on a specific floor or wing, the cost will be divided by the number of residents on that wing or floor and billed to their account. Should the Department of Residence Life deem that the damage cannot be attributed strictly to a specific wing or floor, the damage will be divided amongst the residents of the building and billed directly to their student account.

Students may appeal damage charges by emailing [housing@atu.edu](mailto:housing@atu.edu) the Petition for Adjustment of Charges form located at <https://www.atu.edu/reslife/resources/resources.php> within 90 days of notification. Appeals should include the full name of the student, T number, date of charge, amount of charge, and what is being appealed along with any rationale and/or evidence. The Appeal Committee will review the appeal and make a determination. Nonpayment of debts incurred from, but not limited to, lost keys and service fees may result in withholding of academic records. A list of typical damage charges is available at <https://www.atu.edu/reslife/resources/resources.php> (select Damage Charge Structure).

The University is not responsible for personal property which is lost, stolen, or damaged in Residence Life facilities. It is recommended that students purchase insurance to protect personal items if they are not covered by family insurance. Room doors should be locked at all times.

### **Decorations**

Your residence room will serve as your home away from home. Students are encouraged to decorate their rooms and make them as comfortable and cozy as they would like. However, there are a few restrictions when it comes to decorating the room. Posters may be hung on the walls, but no nails, hooks or screws may be used. Use only white Sticky Tack to avoid any damage that may occur when using heavy tape, such as double-sided tape. Residents will be held responsible for wall damage caused by any wall hangings, including damage caused by removal of white Sticky Tack. Decorations may not hang from the ceiling or any exposed pipes and decorations should cover no more than 25% of wall or door surfaces. Items hanging from exposed pipes is considered a fire safety violation. Residents may not mount televisions or other electronic equipment to the walls or ceilings in residence hall rooms or apartments. Painting and using contact paper is also prohibited. At no time are cut, live (natural) trees permitted due to the fire hazard they create.

Balcony areas are to be kept in a clean and orderly manner. They are not to be used as storage areas. Articles are not to be hung over, around, on, or above balcony railings. Decorations including, but not limited to, signs, flags, posters, murals, banners, aluminum foil, or similar items to be displayed on or near the balcony, the balcony doors, or anywhere that can be seen from outside the building of the residential space are prohibited. Outdoor furniture only is allowed on patio/balcony. A charge will be assessed if furniture belonging inside the apartment unit is found on the patio. Colored light bulbs are not allowed in balcony/door lights or in any light fixture inside the apartment. Resident may not remove balcony light or globe. The University reserves the right to impose a charge for replacement if removed.

The University shall not permit materials, including, but not limited to, signs, flags, posters, murals, banners, aluminum foil, or similar items to be displayed in the windows, on the balcony, on the exterior of the apartment, or anywhere that can be seen from outside the residential space. Windows and doors shall not be obstructed. University provides blinds on windows and such blinds may not be removed. Damage to property including, but not limited to, paint, plaster, cabinets, carpets, floors, furniture or damage to any part of the premises caused by leaving windows or doors open during inclement weather will be the responsibility of the Resident.

### **Drugs and Narcotics**

Illegal drugs, including the use, possession, manufacturing, distribution, or being found under the influence of marijuana, inhalants, narcotics or other controlled substances and paraphernalia, except as expressly permitted by law, are prohibited. Improper use, possession, or distribution of legal drugs and/or prescription drugs without a prescription is prohibited.

Use or possession of marijuana, including medical marijuana used or prescribed under the Arkansas Medical Marijuana Amendment of 2016, is strictly prohibited on campus. Any such use or possession is a violation of the Student Code of Conduct. Specifically, Act 740 of 2017 provides that the Arkansas Medical Marijuana Amendment of 2016 does not permit a person to possess, smoke, or otherwise engage in the medical use of marijuana on the grounds of a college or university. The University may notify parents or guardians of students under age 21 who are found to be in violation of this policy.



## **Electrical Appliances and Kitchenettes**

Small microwaves (700 watt or less) are allowed in every housing facility. Refrigerators, 5 cubic feet or less, are allowed in the individual rooms of the residence halls. For your convenience we have partnered with Collegiate Concepts Inc. to provide optional refrigerator rental for an additional fee. For rental information go to [www.mustangrefrigerators.com](http://www.mustangrefrigerators.com).

Kitchenettes are provided in some of the residence halls. Students should use extreme caution when cooking and never leave cooking food unattended. Residents taking advantage of these facilities are responsible for keeping these areas clean and neat. Resident must responsibly use and maintain appliances provided by the University including, but not limited to, refrigerator, stove/oven, washer, and dryer. Resident will be held responsible for damages caused by cooking fires or other acts of negligence. In the event an appliance is in need of maintenance, Resident will report concerns using the maintenance request system.

Resident with the ability to change their HVAC unit in their residential space must keep utilities turned on as long as the apartment is leased by Resident in order to maintain appliances in operating order and to provide a minimum temperature of 72 degrees Fahrenheit in cold months and 74 degrees Fahrenheit in warm months. Utilities shall be used for normal household purposes.

## **Failure to Comply**

Failure to comply with a request by an authorized university official including student staff or law enforcement officers acting in performance of their duties, including failure of a student to present their university identification card upon request or failure of a student to comply with an established roommate agreement may also result in disciplinary action. All residents will comply with all written rules and regulations listed in this document. Each resident will be responsible for knowing and following all Residence Life Policies and Procedures and the rules and regulations found in the Arkansas Tech University Student Handbook.

## **Fire Safety**

Fires and open flames are prohibited in residence halls and apartments. Fires caused through negligence may result in disciplinary action and damage charges. Students should use extreme caution when cooking and never leave cooking food unattended.

Smoking in a University owned housing facility is considered a fire safety violation. Candles (lit or unlit), incense, and open flame decorations are fire hazards and are not allowed in any housing facility. Burning such items in your residence hall or apartment is strictly prohibited. Candle warmers are not permitted; however, scented wax warmers using a low-wattage light bulb (such as "Scentasy" warmers) are permitted. Storage of any flammable or explosive items is strictly prohibited on or about the premises. Failure to observe this policy will result in disciplinary action.

Activating the fire alarms, panic alarm system, or the emergency blue light system under false pretenses or tampering with fire safety equipment is a state and local violation of the law. This includes, but is not limited to, tampering with, damaging, or disabling smoke alarms, fire extinguishers, sprinkler heads, and fire door closing mechanisms. Disciplinary action, as well as criminal action, may be taken against individuals who violate this policy. Activating a fire alarm system due to smoking, vaping, or burning incense and/or disabling a fire alarm system to avoid detection of those or other activities in your residence hall room or apartment will result in disciplinary action.

A fire drill is conducted at least once per semester for each Residence Life facility. All persons in the building must participate in the fire drill and evacuate the building. Residents who do not comply with this regulation are subject to disciplinary action. Students should consider any fire alarm real and evacuate the building immediately.

## **Firearms, Explosives, Weapons**

Unless otherwise permitted by law, use, possession, storage, or distribution of firearms, rifles, shotguns, pistols, explosive materials (including fireworks), archery equipment, ammunition/bullets, or any other weapons or dangerous instrumentality on the campus is prohibited and can result in immediate interim suspension of the student. This includes, but is not limited to, knives\* (with blades larger than 3 inches in length), blow guns, sling shots, BB guns, paintball guns, airsoft guns, swords, pellet guns, toy guns, water guns, Nerf guns, and any other object used or threatened to be used as a weapon in which serious injury does or could result. Students owning firearms and/or other prohibited hunting materials should make arrangements for storage of these weapons off campus. *\*This policy may apply to knives with blades less than 3 inches in length when used in commission of other policy violations.*

Effective September 1, 2017, provided that the concealed carry licensee has the enhanced carry endorsement/training required by Act 562 of 2017, and subject to the limitations in Act 859 of 2017 (i.e. designated collegiate athletic events and/or discipline or grievance meetings or hearings), carrying a concealed handgun in the buildings or on the grounds owned or leased by Arkansas Tech University is permitted.

Pursuant to A.C.A. 5-73-322(d), the storage of a handgun by any person, concealed carry licensee or not, in a university-operated student dormitory or residence hall is prohibited under A.C.A. 5-73-119(c).

Pursuant to A.C.A. 5-73-306, a concealed carry licensee may have a concealed handgun in a locked and unattended vehicle when the vehicle is in a university parking lot.

### **Furniture**

No furniture, including mattresses, may be removed from any room. TV cables or any electrical wiring may not be moved or altered in any way. Waterbeds are not permitted in Residence Life facilities. This includes manufactured and homemade models. Homemade lofts are not permitted in any Residence Life facility. For your convenience we have partnered with College Products to provide optional loft rental for an additional fee. For rental information, go to <https://collegeproducts.com/atu/store/atu/>.

### **Grills**

For fire and safety reasons barbecue grills of any kind are not permissible inside resident rooms or apartments, on balconies, or in entryways to the hall or apartment complex.

Students may use grills in outdoor common areas at least 25 feet away from the building or other facilities. Grills must not be left unattended. After grilling, students must clean the grill, remove any coals, and allow the grill to cool completely before storing. Students may not store lighter fluid, charcoal that is presoaked with lighter fluid, or other flammable materials within the residence hall or apartment.

Some halls have a grill available for the use of residents. Contact your hall office for more details.

### **Harassment**

Harassment, defined as unwelcome conduct that is severe and pervasive and substantially interferes with the learning, working, or living environment, and which would detrimentally affect a reasonable person under the circumstances, is prohibited. Harassment is extreme, outrageous, or persistent acts or communications that are intended or reasonably likely to harass, intimidate, or humiliate another. Whether the alleged conduct constitutes prohibited harassment depends on the entire circumstances, including the nature, frequency, type and duration of the conduct.

### **Keys and Lockouts**

Residents are responsible for the use and control of their room/hall keys. Please keep doors locked at all times. It is prohibited for students to lend room/hall keys and/or personal ID to others. Lost keys must be reported to the Resident Director immediately. Residents who lose their key will be assessed a replacement charge. Keep your keys with you at all times. If a lock out occurs, contact the Resident Assistant, Student Staff, or Resident Director on duty. Key duplication is prohibited and will result in disciplinary action. Locks and doors may not be changed, added, or altered. All keys must be returned to the University upon termination of occupancy or the University may impose a charge.

Residents may call a Residence Life staff member for assistance when locked out of their room, suite, or apartment. Lockout charges will be assessed to the student's account according to the table of fees available at [www.atu.edu/reslife](http://www.atu.edu/reslife).

Students may appeal lockout charges by emailing [housing@atu.edu](mailto:housing@atu.edu) the Petition for Adjustment of Charges form located at <https://www.atu.edu/reslife/resources/resources.php> within 90 days of notification. Appeals should include the full name of the student, T-number, date of charge, amount of charge, and what is being appealed along with any rationale and/or evidence. Residence Life will review the appeal and make a determination within 14 days.

### **Mail**

If you live in campus housing, the Post Office box fee is automatically included in your housing contract, but you must complete a P.O. Box reservation form to obtain a P.O. Box for the upcoming semester. This must be done each semester to keep your P.O. Box open and your on-campus delivery address active. Mail delivery is not offered to the Residence

Halls. Any mail not addressed to your P.O. Box will be returned to sender. A link to the P. O Box reservation form can be found at <https://www.atu.edu/mailroom/po-box-form.php>.

### **Musical Instruments/Music**

Musical instruments, as well as radios and stereos, must be utilized in a manner that does not disturb other residents. Cooperation with courtesy hours and/or quiet hours is fully expected

### **Noise and Disruption and Finals Week/Quiet Week**

Each student has the right to sleep or study without unreasonable restriction in their own room at any time during the day or night. Excessive noise and disruption will not be tolerated in Residence Life facilities. If noise level should become excessive, you will be required to lower the volume. Additionally, students who opt to bring oversized speakers which create a continual noise disruption into Residence Life facilities will be given the opportunity to remove those speakers. Should they fail to do so, the Department of Residence Life reserves the right to confiscate the speakers.

**Quiet Hours:** Quiet hours are in effect from 11 p.m. - 11 a.m. Sunday through Thursday and from 11 p.m. - 1 p.m. Friday and Saturday.

**Courtesy Hours:** Courtesy hours are in effect when quiet hours are not. During courtesy hours residents are expected to keep noise down so it may not be heard more than 2 doors down or outside the apartment in the University Operated Apartments as to not create excessive noise in the hallways, common areas and outside the buildings.

Prolonged or excessive noise that may disturb the rights, comfort or convenience of other residents may be considered a policy violation. Noise from a room should not be heard more than two doors down the hallway or two doors down in a breezeway.

Each semester beginning two days prior to starting final exams, 24-hour quiet time goes into effect. This policy will remain in effect until the last scheduled exam.

### **Roommate Agreement**

(A) Inhospitable Living Environment – If residents find their current living environment unsuitable in meeting their academic and personal needs and a roommate mediation has been attempted, it is that resident's responsibility to work with their RA and/or RD to initiate a room transfer process. Residents' behaviors designed to make their living environment difficult or challenging for roommate(s) in hopes roommate(s) will transfer rooms are unacceptable and will result in conduct action.

(B) Existing Spaces – If a space exists within a resident's room/suite/townhome/apartment, it must remain clean, locked, and vacant so that another resident can move into that space with limited notice (in case of emergencies) or 24-hour notice during a room transfer process. Residents who occupy a 'vacant' space within their unit, make their residential space (room, suite, and/or apartment) unappealing/attractive for potential roommates, and/or attempt to deter potential roommates from moving into that space are subject to conduct action.

(C) Failure to Follow a Roommate Agreement – In the process of generating a roommate agreement with a Residence Life staff member, all roommates are agreeing to each item stated on the agreement. Failing to follow this agreement will result in conduct action, up to and including a required room transfer or license/lease agreement cancellation for one or all residents involved.

### **Parking**

Residents must park in the space designated for their residence hall. Residents are not allowed to park in the spaces reserved for the Resident Directors or Area Coordinators. Parking regulations as outlined by the Department of Public Safety must be followed. Parking regulations can be found at <http://www.atu.edu/psafe/park-info.php>.

The driveways, sidewalks, courts, entry passages, stairs and halls shall not be obstructed, used for bicycles, motorcycles and other vehicles or used for any purpose other than ingress and egress. Recreational vehicles, boats, jet skis, etc., are prohibited from being parked on the premises. Parking of Resident's vehicle anywhere other than designated parking areas is strictly prohibited. The University reserves the right to refuse parking of any vehicle which may endanger life or property. Although guest parking is provided, these spaces may prove inadequate at certain times, such as when Resident may be entertaining or on high activity weekends. Resident agrees to abide by all University parking regulations and in

particular not to double park, park in fire lanes, obstruct the flow of traffic, park in prohibited areas, park on landscaped areas or otherwise violate parking provisions in force from time to time. Resident agrees to display parking hangtag as instructed. Only one vehicle is allowed per Resident. Resident agrees that for a violation of any parking regulation in force from time to time, including failure to display hangtag, Resident's vehicle and the vehicles of Resident's guests may be subject to being towed at Resident's or owner's expense.

### **Passive Participation**

Residents are obligated to remove themselves from situations where a policy violation and/or illegal activity is occurring and to contact Residence Life staff about the situation. Residents present may be held responsible for the violation.

### **Pets**

Dogs, cats, birds, rodents, reptiles, amphibians, fish, or other animals are not permitted at or in University Housing Facilities. Guests may not bring dogs, cats, birds, rodents, reptiles, amphibians, fish, or other animals. Strays should not be encouraged to remain in the area. Any dogs, cats, birds, rodents, reptiles, amphibians, fish, or other animals found in University Housing Facilities will be presumed to be a stray and may be removed. Residents requiring aid by a service or assistance animal must be registered at Disability Services. Residents receiving this accommodation must comply with the terms and conditions of the University Service and Assistance Animal Policy.

Residents found with an illegal pet will face a monetary fine, with additional billing as needed to restore the unit to an occupiable state (determined by ATU) which may include (but is not limited to) carpet and/or furniture replacement, and repainting. Additional disciplinary sanctions may be applied. Second time violators of the pet policy will be removed from on-campus housing. All current occupants of apartments or suites found with an illegal pet, or related pet paraphernalia (food and water dishes, toys, litter boxes, etc.) will be held responsible for the illegal pet. Residents are responsible for settling "ownership" and pet responsibility issues between themselves. Residence Life will not decide where the pet has been and where it has not. The entire unit may be deep cleaned (at a minimum) at the residents' expense. All residents are responsible for what occurs in their living space. Any pet "reappearances" will be subject to additional charges and possible contract revocation. "Just Visiting" is not permitted. Illegal pets are not allowed in University Operated Housing Facilities at any time.

For information on approved assistance and service animals in University Operated Housing Facilities, see the Service and Assistance Animal Policy.

### **Physical Abuse**

Physical abuse between students or from a student to another member of the University community, defined as intentional physical contact with any person when such conduct threatens or endangers the health and safety of that person(s) is prohibited.

### **Prohibited Items**

Items that compromise the safety and security of Residence Life facilities or the students that reside within those facilities are prohibited. Residence Life reserves the right to deem an item unsafe.

Firearms, ammunition, explosives, and weapons are prohibited. (See Firearms, Explosives, Weapons above.) Additionally, storage of combustible materials, such as gasoline, lighter fluid, or paint thinner, is not permitted in Residence Life facilities.

Hot plates, suntan lamps, halogen lamps, motion lamps (such as "lava" lamps) or any lamp that requires heat in order to function, tattoo guns and/or needles, window unit air conditioners, any open coil appliances (toasters, toaster ovens, etc.) electrical space heaters, and any appliance that could "melt down" if left unattended are prohibited regardless of UL approval. UL approved appliances with fully enclosed heating elements and/or electrical wiring are permitted.

Lighting and appliance wiring should not exceed one extension cord per electrical outlet. Use of multiple socket plugs, running extension cords under carpeting and direct splicing in the electrical outlet are prohibited. Extension cords must be UL approved. If a surge protector (e.g., multiple socket extender) is being used, it is required to be UL approved and have an on/off switch.

The possession, use, or storage of self-balancing scooters/hoverboards inside Arkansas Tech University buildings and facilities is prohibited.

Washing vehicles and performing mechanical work on vehicles is strictly prohibited.

**Property Abandonment**

Items left in the room/suite/apartment by a vacating resident will be removed at the resident's expense. The vacating resident will be sent written or e-mail notice to the listed address and given 30 days thereafter to claim the items. If no response is received within the 30-day deadline, the University will dispose of these items by donating them to a local charity. Removal and storage fees may be charged to the resident's account. Minimum charge, regardless of number of items \$55.00.

**Solicitation**

For the protection and privacy of residents and to prevent the interruption of studies, no door-to-door activity (canvassing, solicitation, sales, proselytizing, etc.) for any purpose unrelated to the management of the residence hall is allowed, unless the Department of Residence Life has granted permission. If you encounter such activity, contact a staff member immediately.

Students may not post flyers or posters in University owned housing facilities. Hall staff members will post flyers and posters in the halls for events and services sponsored by University departments and Registered Student Organizations only. Departments and Registered Student Organizations may bring posters or up to 100 flyers to the Department of Residence Life (Doc Bryan 153) for distribution.

**Storage**

Due to limited space, storage of room furniture is not permitted in the residence hall, nor is residence hall furniture permitted to be stored off-campus. Students who leave the residence hall/University Commons apartments must remove all belongings. Failure to remove all items from any Residence Life facility may result in a charge to the owners of the personal items, in accordance with the Property Abandonment Policy.

**Theft**

Theft or illegal possession of any property belonging to the University, a member of the University community, or of any campus visitor is subject to disciplinary action. Theft should be reported to the Department of Public Safety or a Residence Life staff member immediately.

**Tobacco Products/Smoking**

The use of any tobacco product, including, but not limited to, smoking, dipping, chewing, or the use of electronic cigarettes or vapor pens (with or without tobacco products) is prohibited on campus. Students may face disciplinary action if there is reasonable evidence of use within the residence hall including, but not limited to, the presence of cigarette butts, ashes, or a receptacle containing waste products of tobacco use.

**Trash and Cleanliness**

All students are responsible for maintaining a clean and sanitary living space in both their assigned room and the common areas. Resident rooms and apartments should be kept clear of trash, food waste, and clutter to prevent unpleasant odors and avoid attracting pests. In addition, residents are responsible for maintaining clear pathways for exit in case of emergency.

Residents should remove their personal trash from the building to the proper trash receptacles. Residents may not dispose of room trash in public bathrooms, lobbies, or other receptacles that are not the designated building trash receptacles. Trash may not be left in hallways, breezeways, lounges, bathrooms, stairwells, etc. Littering or throwing objects from windows is prohibited and the University reserves the right to impose a charge for violations of this provision as well as any littering by Resident.

**University Property**

University property such as lobby furniture, televisions, and holiday decorations may not be moved from the lobby. University property located in the lounges and other public areas is for the use of all residents. If university property designated for common areas is discovered in a resident's room, disciplinary action will be taken.

**University Rights/Housing Contract Violations**

The University reserves the right at any time to make changes to these rules and regulations as the University shall in its

judgment determine to be necessary for the safety, care, and cleanliness of the premises and for the preservation of good order, comfort, and benefit of Residents in general and for the efficient operation of the University Housing Facilities.

### **Vandalism**

Willful damage or defacement of University facilities or property will not be tolerated under any circumstances. Persons who violate this policy will be subject to disciplinary action and notification of the Department of Public Safety for further action.

### **Visitation/Escort Policy**

The University acknowledges the right of Resident to entertain friends and to have guests which can be restricted or removed based on the needs of the community. At all times residents are fully responsible for their guests/visitors and the actions of these guests/visitors. All non-residents of a building must be escorted by Resident of that building at all times. This includes members of the same sex. Visitors and/or guests, including Residents of the same building, must be accompanied by Resident of the room or apartment at all times while visiting the room, apartment, and/or other building extensions. Guests should never be left in a room or apartment alone and shall not make or permit any excessive noise or otherwise disrupt the comfort or interrupt the sleep of other Residents. By having a guest/visitor on University property, the Resident and guest/visitor both agree to hold University harmless against all claims for personal injury sustained by Resident and Resident's guests/visitors in their use and enjoyment of the facilities.

Non-residents of the same sex must be escorted to the restroom. Any non-resident of the opposite sex may not use restroom or shower facilities. In some halls, guest restrooms are available on the first floor.

A guest is defined as someone who you allow to be in your presence while in your residence hall and/or room and is a student (including non-residential students) of Arkansas Tech University. It is your responsibility that they abide by all related policies. Should a guest violate policy, it is the responsibility of the resident to report the violation and contact hall staff to assist in the removal of the guest. Should a guest violate policy and staff is not notified by the host, the host may be held responsible for the violation.

A visitor is defined as someone who you allow to be in your presence while in your residence hall and/or room and is not a student of Arkansas Tech University. It is your responsibility that they abide by all related policies. Should a visitor violate policy, it is the responsibility of the student to report the violation and contact hall staff to assist in the removal of the visitor. Should a visitor violate policy and staff is not notified by the host, the host may be held responsible for the violation.

Residents are welcome to have overnight visitors of the same sex, if receiving prior consent from room/suite/apartment mates. Visitors are limited to three (3) nights per semester. Visits greater than three (3) nights, even with breaks in between or in another resident's room, are prohibited without written permission from the Area Coordinator. Residents may have a maximum of two guests and/or visitors at one point in time in their room. In a quad room the total occupancy must not exceed 6 with any combination of guest to resident ratio.

Guests are not permitted overnight without prior approval in situations deemed extreme by the Area Coordinator. Room and common area visitation policies must be abided by.

### **Visitation (Room)**

Visitation times in residence hall rooms and apartments, including apartment common areas, are from 9 a.m. until 11:59 p.m., Monday through Thursday and 24 hours from 9 a.m. Friday until 11:59 p.m. on Sunday. Each resident is responsible for their guest/visitor and should escort the guest/visitor at all times while in the residence hall or apartment, including while entering or exiting the building. This applies to same sex and opposite sex guests/visitors. Same sex guests who live in the same building as their host or hostess are allowed visitation 24 hours a day, 7 days a week provided there is no cohabitation.

### **Visitation (Lobby)**

Residence Hall lobby visitation is 24 hours a day, 7 days a week. Guests/visitors must be accompanied by their host or hostess while visiting the lobby and when entering or exiting the building.

**Visitation of Minors**

Children are permitted to visit the residence facilities; however, children are permitted to visit during visitation hours only, and they must leave by the end of visitation hours. Anyone under the age of 18 is not permitted to stay overnight. Children must be attended to at all times. They are not permitted to run up and down hallways, stairwells, or in public areas unattended. Residents who have children that disturb other residents may be asked to remove the children from the facility. Residents may not provide paid babysitting service in the halls. The Department of Residence Life cannot assume responsibility or liability for children visiting the residence facilities.

**Windows/Roof**

Each residence hall room is provided with blinds for residents' privacy. In order to assure that our campus has an aesthetic appearance, windows may not be covered with any sun blocking items such as insulation, foil, etc., nor may students display posters, signs, or other items in their windows. Windows and doors shall not be obstructed because it can prevent access in or out during an emergency. The University provides blinds on windows and such blinds may not be removed. Damage to property including, but not limited to, paint, plaster, cabinets, carpets, floors, furniture, or damage to any part of the premises caused by leaving windows or doors open during inclement weather will be the responsibility of the Resident.

Jones Hall has a closed window policy while the air conditioner or heater is in use. All windows must remain closed during this time period unless posted differently by the Department of Residence Life.

Nutt Hall windows are to remain closed at all times, as this building is climate controlled.

Roof access is strictly prohibited and no radio wires, television antennas, satellite dishes, or any other aerials or any other objects shall be attached to the roof or exterior of any building. The University provides cable television and internet service to each University Operated Facility.

# REGISTERED STUDENT ORGANIZATIONS

Doc Bryan Student Services Center, Suite 171

(479) 968-0276

Chelsea Neal, Associate Dean for Campus Life and the Student Union, [cneal14@atu.edu](mailto:cneal14@atu.edu)

<http://www.atu.edu/campuslife>

## The Role of Registered Student Organizations

Co-curricular programs and organizations provide opportunities for students to develop friendships, learn new skills, and practice leadership and group development skills. There are more than 100 Registered Student Organizations (RSOs) representing many areas of interest in the following categories: Academic/Professional, Fine Arts, Fraternity/Sorority, Honorary, Multicultural, Recreational, Religious, Special Interest, and Student Governance. It is well documented that students who are involved in campus activities of their choice are more likely to complete their educational goals.

The overall goal of RSOs at the University is to provide students additional educational tools which will assist them: function successfully in their chosen occupational fields; achieve a greater cultural appreciation; achieve greater personal happiness and self-satisfaction; and develop the concepts of responsibility and service to others.

Operating on the basis of voluntary participation and self-government, RSOs are an integral part of the University community and as such are obligated to contribute to the scholastic attainment and general development of the individual student. Skills and experiences obtained through memberships in RSOs serve as a valuable supplement to the formal curricula. Organizations applying for registration by the University will be evaluated in view of the manner in which their constitutional objectives support the stated role of RSOs at Arkansas Tech University.

The RSO handbook can be located at: [http://www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php)

## General Requirements

General requirements for RSOs are as follows:

1. Individual students and student groups are responsible for conducting their activities in a manner consistent with all regulations and standards aligned with the Student Code of Conduct at Arkansas Tech University.
2. No organization shall require of its members any activity incompatible with scholastic attainment or acceptable general development. In particular, hazing in any form is prohibited. No student or group of students will be permitted to use mental, verbal, or physical violence against, or in any way jeopardize the health, scholastic standing, or civil liberties of another student or University personnel.
3. On or off-campus activities which are sponsored or affiliated with a University RSO must be approved by Campus Life.
4. Each organization has the right to elect and expel its own members and is accountable for members' acts committed on behalf of the organization.
5. Each organization which desires to be registered by Arkansas Tech University and which desires to use the facilities and services of the University must obtain approval in the manner described in the following paragraphs.

## Registration of Student Organizations

### Categories and Definitions

An RSO is a group of students enrolled at Arkansas Tech University who voluntarily come together under a common purpose. The purposes and activities shall be lawful and not in conflict with the policies, rules, regulations, and standards of the University and/or local, state, or federal laws.



## **Conditions for Registration**

1. Membership in the organization shall be open only to students enrolled at Arkansas Tech University without regard to race, color, religion, national origin, sex, age, disability or veteran status, except in cases of designated fraternal organizations which are exempt by federal law from Title IX regulations concerning discrimination on the basis of sex.
2. The organization shall not duplicate the purposes and functions of a previously approved or current RSO unless the need for duplication is substantiated by Campus Life.
3. The organization shall show initiative in effectively meeting its stated goals and be lawful and peaceful in its activities. Campus Life is available to assist in organizational development.
4. The organization shall be free from control by any other non-student individual or organization. Alumni and affiliate/ associate members should not be granted voting privileges nor can they hold executive officer positions. To preserve the governing integrity of a student organization, these privileges can only be vested in currently enrolled students at Arkansas Tech University.
5. Organization registration does not imply University approval of either the organization or its activities.

## **Registration of New and Reforming Groups**

1. New and/or reforming student groups that desire the benefits of being an RSO must make an appointment with a Campus Life staff member coordinating RSOs to discuss the policy regulating the registration of student organizations.
2. After meeting with the staff member, the student should complete a registration packet on theLink.
3. Campus Life will review submitted materials for registration on theLink. The decision will be communicated back to the applying organization from Campus Life.

## **Annual Registration Process**

1. The completed registration application should be completed on theLink annually by early September. Specific dates will be announced annually. Complete registration packets include:
  - a. List of officers
  - b. Updated electronic copy of local constitution and/or by-laws and constitution and/or by-laws of any other local, state, or national affiliate organization a minimum of once every fall registration period or when changes have been made. The constitution must contain the following:
    - i. Name of organization. The name of an organization shall indicate the purpose of the group.
    - ii. Purpose, goals, and objectives of the organization.
    - iii. Eligibility requirements of membership.
    - iv. Selection process and procedures for membership, including non-discriminatory statement. Arkansas Tech University prohibits discrimination based on race, color, religion, national origin, sex, age, disability, or veteran status.
    - v. Election process for officers.
  - c. Agree to comply with all University standards, rules and/or policies as well as all local, state, and federal laws.
  - d. A full-time Arkansas Tech University faculty or staff member completing the Advisor Agreement form on theLink, indicating their willingness to serve as the organization's advisor.
2. New organizations registering as a single-sex, social fraternity, or social sorority must show proof of their Title IX exemption. Upon filing their registration application, groups must attach a letter from their national affiliate with

their IRS 501 C (Internal Revenue Code) tax exemption number from the Internal Revenue Service. This is the mechanism the government uses to verify single-sex exemption.

## **RSO Tiers**

RSOs can register in one of three tiers. Listed below are the parameters for each tier.

- Tier 1: RSOs are supported by student fees and can host events, fundraise, and travel off campus as an RSO.
  - RSOs in Tier 1 will be designated by Campus Life only.
  - Registration requirements are an updated list of officers and an updated constitution, and a Faculty/Staff Advisor form submitted through theLink.
  - Training requirement: 90% of the organizational leadership must attend in person RSO Training in the fall.
  - Faculty/Staff Advisor: Required. Advisor must approve event registrations on theLink.
- Tier 2: RSOs can host events, fundraise, travel off campus as an RSO, and request funding from Organizational Aid and Student Development Fund.
  - Registration requirements are an updated list of officers, an updated constitution, a Faculty/ Staff Advisor agreement form, and a completed Agency Account form submitted through theLink.
  - Training requirement: 50% of the organizational leadership must attend in person RSO Training in the fall.
  - Faculty/Staff Advisor: Required. Advisor must approve event registrations on theLink.
- Tier 3: RSOs are restricted to general meetings, inductions, and tabling to recruit members only.
  - Registration requirements are an updated list of officers, an updated constitution, and a Faculty/ Staff Advisor form submitted.
  - Tier 3 RSOs are not required to update an agency account.
  - Training requirement: 50% of the organizational leadership must watch the online RSO training in the fall.
  - Faculty/Staff Advisor: Required.

It is important for your RSO and current advisor to meet and decide on which tier is the best fit for your organization. Campus Life staff are available to help walk students through the process and determine the best fit.

## **Benefits**

Benefits of RSOs include, but are not limited to, free reservations for meeting space in the Doc Bryan Student Services Center and Baswell Techionery, organization information published on theLink, leadership training, and access to RSO resource manuals.

## **Membership and Officers of Registered Student Organizations**

Active membership (those who are eligible to vote) in RSOs shall be limited to registered full-time students on the Arkansas Tech University-Main Campus. Full-time is defined as twelve (12) hours for undergraduate students and six (6) hours for graduate students. Students on academic or disciplinary probation may not hold offices in RSOs. Senior standing students approved for graduation in the current term are considered full-time with courses required for graduation, even if below 12 or 6.

Membership in RSOs is restricted to currently enrolled Arkansas Tech University students.

## **Organizational Meetings**

Each RSO may, on its own responsibility and with approval of its advisor, hold closed meetings at which attendance is limited exclusively to members, and shall be allowed to invite any speaker of their own choosing to such meetings.

## Requesting to Change Name of Organization

In order for a Registered Student Organization to change the name of the organization, a memo signed by the organization president and the Faculty/Staff Advisor should be sent to Campus Life. The memo should include the original name of the organization, the new name of the organization, and a brief explanation for the change. A completed Agency Account Approval Form with the new organization name should be attached to the memo. The form can be found at [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php).

The name change for a Registered Student Organization will be reflected in the following places:

- theLink
- Agency account
- Room reservation system
- Campus Life records

## Hazing Prevention Policy

### Introduction

Arkansas Tech University is dedicated to promoting a safe and healthy campus environment for students, faculty, staff, and visitors. Hazing activities are counterproductive to this effort. Therefore, Arkansas Tech University has a zero tolerance policy for the practice of hazing activities by any member of the university community.

Members of the university community involved in, encouraging, aiding, and/or assisting in hazing or hazing related activities are subject to disciplinary action and reporting of involvement to local police. Failure to report known hazing incidents to a university official or to local police may result in disciplinary action.

This policy applies to faculty, staff, students, Registered Student Organizations, official university groups, alumni, visitors, vendors, and invitees on campus.

### I. Definitions

1. Hazing can generally be defined as any action or situation created by a member of the university community against another member of the university community that is negligent or reckless in nature, humiliating, degrading, endangers an individual, or unreasonably interferes with scholastic or employment activities. This action or situation may or may not be initiated for the sole purpose of affiliation or required as a condition or retention of membership into a group or organization. Actions and situations that may constitute hazing could include, but are not limited to, the following:
  - Requiring the consumption of alcohol or participation in drinking games
  - Forcing others to sing, wear apparel which causes indecent exposure or would not be reasonable, or perform other embarrassing acts in public or private settings
  - Deprivation of sleep or food or the creation of unnecessary fatigue
  - Compelling someone to engage in or watch sexual acts with others
  - Requiring periods of silence
  - Conducting any type of "hell week" activities
  - Requiring the carrying of items such as manuals, paddles, etc.
  - Requiring calisthenics such as sit-ups, push-ups, etc.
  - Forcing or coercing someone to consume foods, drinks, alcohol, or drugs
  - Completing tasks in order to obtain signatures
  - Phone duty
  - Paddling or striking in any manner

- Marking or branding
  - Physical and mental harassment, including pushing, cursing, or yelling
  - Staging any form of a "line-up"
  - Preventing or restricting class or other activity attendance
  - Preventing personal hygiene
  - Unreasonable exposure to the weather
  - Keeping the date of initiation or formal affiliation into the group a secret
  - Work parties or clean-up for new members only
  - Scavenger or treasure hunts
  - Blindfolding
  - Personal servitude
  - Kidnapping or abandonment
  - Expectation of participation in activities that are illegal or in violation of university policy
  - Member auctions
2. Hazing may occur regardless of the individual's willingness to participate in the activity or be found present in a situation.
  3. Members of the university community include faculty, staff, students, Registered Student Organizations, official university groups, alumni, visitors, vendors, and invitees on campus.
  4. A Registered Student Organization is defined as individual students and student groups who meet the general requirements and have completed the registration procedures as outlined in the Student Handbook. Official university groups are defined as a number of persons who are associated with the university and each other, but who have not registered, or are not required to register as a Registered Student Organization, i.e. athletic teams, musical or theatrical ensembles, band, choir, cheerleaders, dance team, academic or administrative units, etc.
  5. A university official for the purposes of reporting hazing activity includes the following:  
**Amy N. Pennington**, AVP/Dean of Students and Title IX Coordinator, [apennington@atu.edu](mailto:apennington@atu.edu), (479) 968-0407  
**Kevin Solomon**, Dean of Student Engagement, [ksolomon@atu.edu](mailto:ksolomon@atu.edu), (479) 968-0276  
**Abby Davis**, Athletic Director, [adavis@atu.edu](mailto:adavis@atu.edu), (479) 968-0345  
**Joshua McMillian**, Chief of Public Safety, [jmcmillian1@atu.edu](mailto:jmcmillian1@atu.edu), (479) 968-0222
  6. This policy applies to behavior that occurs on the university property. It may also apply to off-campus behavior if the activity is sponsored, conducted, authorized, or recognized by the university, a Registered Student Organization, or an official university group. For additional information regarding when a Registered Student Organization can generally be held responsible for violations of the Student Code of Conduct, please see Article III, Section B, 1 in the Student Handbook.

## II. Policy

1. Hazing in any form is prohibited.
2. The following reasons are not valid defenses for hazing activities:
  - a. The express or implied consent of the individual was obtained;
  - b. The conduct or activity was not part of an official organizational or group event or was not otherwise

sanctioned or approved by the organization or group; or

- c. The conduct or activity was not a condition of membership or affiliation with the organization or group.
3. Any faculty, staff, or student of the university community with knowledge or suspicion of hazing is expected to report the activity to university officials or the local police. If there is a threat of immediate danger, call 911. Failure to report hazing activity could result in disciplinary action.
4. Retaliating in any manner against any individual who reports hazing or who participates in a hazing investigation is prohibited.
5. All members of the university community should cooperate in a hazing investigation upon request.
6. Allegations involving harassment (sexual misconduct) will also be forwarded to the Title IX Office for investigation.
7. The university may notify affiliated regional or national offices of Registered Student Organizations or official university groups of hazing allegations or investigations.
8. Responsibility for any violations of this policy may be attributed to the perpetrators, the Registered Student Organization, or the official university group.

### III. Reporting

1. If there is a threat of immediate danger, call 911.
2. Complaints or reports of hazing activities should be reported to a university official or the local police. These university officials include the following:
  - a. **Amy N. Pennington**, AVP/Dean of Students and Title IX Coordinator, [apennington@atu.edu](mailto:apennington@atu.edu), (479) 968-0407
  - b. **Kevin Solomon**, Dean of Student Engagement, [ksolomon@atu.edu](mailto:ksolomon@atu.edu), (479) 968-0276
  - c. **Abby Davis**, Athletic Director, [adavis@atu.edu](mailto:adavis@atu.edu), (479) 968-0345
  - d. **Joshua McMillian**, Chief of Public Safety, [jmcmillian1@atu.edu](mailto:jmcmillian1@atu.edu), (479) 968-0222
3. Complaints may also be filed online at [www.atu.edu/jerrycare/haz\\_help.php](http://www.atu.edu/jerrycare/haz_help.php)
4. Failure to report hazing activity could result in disciplinary action.
5. Making an intentionally false accusation of hazing is prohibited.

### IV. Conduct

1. Violation of this policy may result in disciplinary action under the Student Code of Conduct, Human Resources policies and procedures, or other applicable university regulations or policies. Alumni and visitors refusing to comply may be reported to the Department of Public Safety.
2. Possible sanctions for individuals found responsible for violating this policy range from a warning to expulsion. Potential sanctions for Registered Student Organizations and official University groups range from censure to indefinite dismissal. Faculty and staff found responsible for violating this policy could be terminated from employment.
3. Violations of this policy are subject to referral to appropriate law enforcement as well as to regional and national affiliated offices for action and/or prosecution.
4. Any questions concerning the interpretation or application of this policy should be referred to Amy N. Pennington, AVP/Dean of Students and Title IX Coordinator.

## **V. Arkansas Law, § 6-5-201 and § 6-5-204**

Arkansas law prohibits hazing. Guidelines provided in this statute are enforced in this policy.

1. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which 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;
2. The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;
3. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student 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
4. Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student 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.
5. The term "hazing" as defined in this section does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

## **Member Auctions**

Member auctions, or any type of event in which people are auctioned, are not permitted, whether on or off-campus, by any RSO. Such events may be considered discriminatory and/or hazing.

## **Dry Recruitment**

Arkansas Tech University has a zero tolerance policy for the use of alcohol in any form by any student, RSO, campus program or athletic team for the purpose of membership selection. All activities, ceremonies, new member programs, trainings, and other events must be alcohol free.

## **Faculty or Staff Advisor**

1. Each RSO shall have a full-time University faculty or staff advisor available to the officers and members for consultation regarding the affairs of the organization. Attendance at organizational meetings and functions is encouraged to facilitate incorporating the advisor into the RSOs program planning and decision-making. The advisor must certify the RSOs expenditures by signing all agency account check requests. Most importantly, the advisor must oversee adherence to university standards, rules and/or policies as well as the RSOs constitution and by-laws.
2. RSOs are required to have a full-time university faculty or staff advisor based up on the following tier structure:
  - Tier 1: Advisor is designated by the department in which the organization reports or by job duties of the full-time faculty or staff member. Advisors must approve or deny RSO event registrations on theLink.
  - Tier 2: Advisors can come from any entity on campus. Advisors must approve or deny RSO event registrations on theLink.

- Tier 3: Advisors can come from any entity on campus. Advisors must approve or deny RSO event registrations on theLink.
3. RSOs may have additional advisors, i.e., coaches (typical of sports clubs), to the extent permitted by their constitution and by-laws; however, one advisor must be a full-time Arkansas Tech University faculty or staff member as required and identified in the registration packet.
  4. Any individual who is a secondary advisor or coach who is not affiliated with the University or is not a full-time Tech employee should also be included when filling out the registration application on theLink, complete with names, addresses, telephone numbers, and e-mail addresses.
  5. RSOs have ten (10) business days to notify Campus Life via theLink with the name, address, telephone number, and e-mail address of any new or replacement full-time University faculty or staff member appointed as their advisor. Failure to do so may result in suspended privileges.

## **Pre-Requisites for Maintaining Registration**

To maintain active status throughout the academic year, an RSO must meet or submit the following criteria to Campus Life.

1. Update the list of current officers within ten (10) business days from the day of elections and update the list of subsequent changes when such occur on theLink.
2. Update all advisor information on theLink within ten (10) business days of the acceptance of the full-time faculty or staff advisor to the position.
3. Submit all changes in documents on theLink relating to the organization (i.e., revisions to constitution, changes in statement of purpose, procedures for handling organization funds, or membership requirements). RSOs shall be responsible for updating any revision to their local and affiliate constitutions with Campus Life via theLink within ten (10) business days of any changes. Should an organizational dispute occur that involves University intervention, RSOs are bound by the constitutions and by-laws on theLink.
4. Conduct affairs in a lawful manner, in accordance with the constitution and by-laws on file, and applicable policies, rules, regulations, and standards of the University and all local, state, and federal laws.
5. Solicitation on or off campus is prohibited by RSOs that may abridge any contractual agreements of Arkansas Tech University. To avoid violations, RSOs should seek clarification on any solicitation initiatives or materials in Campus Life. Any organization wishing to solicit must follow the policies and procedures listed in this Student Handbook.
6. Ensure off-campus individuals or organizations whose appearance on campus is sponsored by the organization observe all applicable policies, rules, regulations, and standards of the University. Any RSO sponsoring off-campus individuals or organizations should submit notification to Campus Life via theLink.
7. Campus Life and/or the Dean of Students may suspend the registration of an organization for noncompliance with the regulations and/or standards as set forth in the current Student Handbook.

## **Organizational Discipline**

RSO discipline is outlined in the Student Code of Conduct, Article III, B.

## **Finances of Registered Student Organizations**

The University expects each RSO to anticipate, and meet promptly, its financial obligations. Financial aspects of all events sponsored by RSOs shall have the approval of the faculty or staff advisor. RSOs are urged to arrange for annual audits. In the event of disbanding or inactivation of an RSO, the primary responsibility for properly providing for close-out of RSO accounts and disposition of remaining money rests with the RSO itself.

## University Agency Accounts

1. All Tier 2 RSOs will be required to maintain an agency account in the Office of Student Accounts and conduct all business transactions there. The residence hall agency account will also be maintained in the Office of Student Accounts. National social fraternities and sororities must maintain an agency account in order to conduct business with the University. Procedures for establishing and maintaining an agency account are found below.
2. Any money awarded to an RSO by the University for services rendered or as a prize for events, such as Homecoming or other campus activities, will only be deposited in the RSOs on-campus agency account.
3. Tier 3 RSOs are not required to have an Agency Account, however they may not participate in competitions or events where there is funding to the RSO as a reward.

## Opening and Maintaining an On-Campus Agency Account

Forms for the Office of Student Accounts are available in Campus Life and online at [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php). Up to three (3) student officers and the RSO's faculty/staff advisor will need to sign the forms. Signed forms need to be returned to Campus Life, and within five (5) business days your student organization will be assigned an agency account number. To change the current officers/advisor on file to be able to manage each agency account, complete a new agency account form in Campus Life.

## Depositing Funds into your Agency Account:

1. Forms are online at [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php) or in the Office of Student Accounts.
2. To complete the form, use 240000 following the agency account number for all deposits. Make sure the account number is correct.
3. Take the form and deposit into the Office of Student Accounts between 8 a.m. - 4 p.m., Monday through Friday.
4. Allow four (4) business days for your deposit to be posted to your account.

## Making Payments and Charges from your Agency Account:

1. Listed officers or advisors will need to obtain a Request for Check Form at [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php) or from Campus Life.
2. To complete the Request for Check form, you will need to enter the agency account number in the "FUND" location and 240200 in the "ACCOUNT" location (It is preferred that the request form be typed with the complete name and address of the vendor payee.)
3. If the payee is an individual, you will need to complete a Vendor Number Request form and W-9. Both forms are available at [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php). These forms generate a T# for the individual. Both forms should be completed and submitted to the Procurement and Risk Management Department before submitting Request for Check form.
4. Give a complete description of the item purchased.
5. The Request for Check form needs to be signed by one of the students on the signature card and the advisor.

### Notes:

- Allow five (5) business days for the checks to be drawn.
- Checks will be mailed directly to the vendor unless otherwise indicated on the request.
- Checks will not be issued unless you attach the original receipts or other detailed documentation to the Request for Check form.
- The Request for Check form will not be processed if there is not enough money in the account to cover the expenditure.



6. Request for Check forms can be sent to Accounts Payable.

## **Use of University Space, Facilities, and Off-Campus Events**

An application for each date of an activity should be completed on theLink via the Event Registration form. Events should be registered seven (7) business days in advance. Organizations will be notified of action taken. Reservation approval is pending event approval on theLink.

For help in planning events please refer to the Event Planning Guide, found at [www.atu.edu/campuslife/resources.php](http://www.atu.edu/campuslife/resources.php).

The procedures for scheduling events are outlined in the student use of University Space - Office of Events section of the Student Handbook or at [www.atu.edu/events](http://www.atu.edu/events).

Nonacademic facilities and designated outdoor spaces are available to enhance the student experience though out of class programs, events and activities. For these purposes, the following priorities are considered in the reservation process:

- Office of the President: open reservation period
- Executive Council Members: open reservation period
- Departments within Student Affairs: open reservation period
- University Supported Organizations: open reservation period
- Registered Student Organizations: yearly reservation period (July 1 to July 1)
- All other groups: yearly reservation period (July 1 to July 1)

### **Special Events on Campus**

1. Any committee or officers representing a group of students or an RSO wishing to plan a party, banquet, luncheon, dinner, picnic, entertainment, or other special event on campus, must have the event registered via the Event Registration form and approved on theLink fourteen (14) business days in advance of event. All events must be properly supervised. The advisor of the RSO or their designee should ensure proper supervision throughout the entire time of the activity.
2. Any events sponsored by RSOs may not have portable stages that are assembled by students. Portable stages are defined as stages that can be assembled and removed from the space.
3. Each group will be responsible for the conduct of individuals (members and guests) attending social functions. In keeping with University policy, the use or possession of alcoholic beverages is not permitted at any on-campus function. For further details, please see the Student Code of Conduct.
4. Any event sponsored by an RSO seeking to, or those required by their national organization to, have additional police officers/security present at any on-campus event must make this request at the time of registration via theLink. The appropriate administrators in the Department of Campus Life will work with the Department of Public Safety to assist in securing additional, approved officers for the event.
5. Themes for all events should not violate any local, state, or federal laws and/or University policy, constitute sexual harassment or hazing.
6. Tier 3 RSOs may hold meetings, ceremonies of induction or graduation, and tabling to recruit members.

### **Off-Campus Events**

RSOs may conduct activities and programs off-campus which do not violate local, state or federal laws. Arkansas Tech University assumes no responsibility for the conduct of participants nor for the financial and/or contractual obligations associated with off-campus events. Off-campus events, which are sponsored by or affiliated with an RSO must be submitted for approval via the Event Registration form on theLink seven (7) business days in advance.

## Alcohol at Events

Alcohol is not permitted at any on-campus event. Any off-campus event hosted by an RSO, where alcohol may be present, must adhere to the guidelines provided below. Organizations supervised by the Office of Fraternity and Sorority Life should refer to the Office of Fraternity and Sorority Life Policies and Procedures Handbook for additional information.

Arkansas Tech University assumes no responsibility for the conduct of participants nor for the financial and/or contractual obligations associated with off-campus events. Off-campus events, which are sponsored by or affiliated with an RSO must be submitted for approval via the Event Registration form on theLink fourteen (14) business days in advance. RSOs may conduct activities and programs off-campus following these policies:

1. The organization, members and guests must comply with all federal, state, provincial and local laws. No person under the legal drinking age may possess, consume, provide or be provided alcoholic beverages.
2. The organization, members and guests must follow the federal law regarding illegal drugs and controlled substances. No person may possess, use, provide, distribute, sell and/or manufacture illegal drugs or other controlled substances while on chapter/organizational premises or at any activity or event sponsored or endorsed by the chapter/organization.
3. Alcoholic beverages must either be:
  - a. Provided and sold on a per-drink basis by a licensed and insured third-party vendor (e.g., restaurant, bar, caterer, etc.); or
  - b. Brought by individual members and guests through a bring your own beverage ("BYOB") system. The presence of alcohol products above 15% alcohol by volume ("ABV") is prohibited on any organization premises or at any event, except when served by a licensed and insured third-party vendor.
4. Common sources of alcohol, including bulk quantities, which are not being served by a licensed and insured third party vendor, are prohibited (i.e., amounts of alcohol greater than what a reasonable person should consume over the duration of an event).
5. Alcoholic beverages must not be purchased with organizational funds or funds pooled by members or guests (e.g., admission fees, cover fees, collecting funds through digital apps, etc.).
6. An organization must not co-host or co-sponsor, or in any way participate in, an activity or event with another group or entity that purchases or provides alcohol.
7. An organization must not co-host or co-sponsor an event with a bar, event promoter or alcohol distributor; however, an organization may rent a bar, restaurant, or other licensed and insured third-party vendor to host an organization event.
8. Attendance by non-members at any event where alcohol is present must be by invitation only, and the organization must utilize a guest list system. Attendance at events with alcohol is limited to a 3:1 maximum guest-to-member ratio and must not exceed local fire or building code capacity of the organizational premises or host venue.
9. Any event or activity related to the new member joining process (e.g., recruitment, intake, rush, etc.) must be substance free. No alcohol or drugs may be present if the event or activity is related to new member activities, meetings, or initiation into an organization.
10. The organization, members or guests must not permit, encourage, coerce, glorify or participate in any activities involving the rapid consumption of alcohol, such as drinking games.

To discuss the details of this policy, please schedule a meeting with a Campus Life staff member.

## Food at Events

Food at events on campus must adhere to the following guidelines:

1. Any RSO desiring food or drinks at their event on campus may do so if all supplies (including, but not limited to, drinks, food, cups, cutlery, napkins, plates, etc.) are under \$150.
2. For events that will encumber supplies costing more than \$150, Chartwells Food Service must be contacted for first right of refusal. If Chartwells Food Service is not able or willing to provide needed items, RSOs may obtain food/drinks off-campus.
3. Food that is served free of charge at potlucks, parties, or meetings where the event is not open to the general public does not need prior approval. A potluck is defined as a gathering of people for a meal where the participants are expected to bring food ready to be shared among everyone at the gathering.
4. For events in Chambers Cafeteria or Baswell Techionery, all food, no matter what the item, must be purchased from Chartwells Food Service or one of its operations. No other food items, including items from home, can be brought into the dining operation.

## RSO Independent Travel

Independent RSO travel that is organized, conducted, or sponsored by an RSO in its own interest where no University vehicles are used or no reimbursement is to be issued are not required to complete travel documents. Such trips are not made on behalf of the University as official travel, and the University will accept no responsibility for any liability arising there from. The event is required to be registered on theLink via the event registration process.

Students should exercise good judgment before agreeing to provide transportation for other students or to travel as a passenger in another student's vehicle. Arkansas Tech University cannot be held liable for student choices of transportation for these independent RSO travel activities.

## University Sponsored RSO Travel

Arkansas Tech University sponsored transportation for Registered Student Organization (RSO) events is defined as transportation coordinated and funded by the University on behalf of the RSO. RSOs must submit their proposed activity with the transportation requirement through Campus Life, via theLink, at least ten (10) business days prior to the event.

If any reimbursement for travel is to be made to a student, the student travel, by default, is defined as University sponsored travel and must comply with the Arkansas State Travel Laws, the Arkansas Vehicle Safety Program, and University policies.

**Official Representation:** The University recognizes that a student travels as its official representative when, and only when, all of the following requirements are satisfied:

1. An administrative official having authority to do so authorizes an RSO or members of an RSO to be official University representatives for the purpose of attending an event related to accomplishment of University educational purposes.
2. The RSO or members of an RSO travel by University vehicle or travel according to transportation selected for them and approved by the person authorizing the travel. This includes, but is not limited to, public carriers, in charter or aircraft, in University fleet vehicles, in rental vehicles, or by private vehicle (if mileage is being reimbursed).
3. The RSO or members of an RSO travel is being funded by the University or if reimbursements are being issued to fund travel. This includes, but is not limited to, lodging.
4. Before leaving the campus, the RSO or members of the RSO and accompanying faculty or staff, if any, shall have registered according to the procedures outlined in this policy. RSOs or members of RSOs attending functions on their own initiative in the guise of being from Arkansas Tech University, the institution deriving benefit only from the resulting publicity, are not official University representatives. Because of the possibility of claims and liability arising from student travel, it is necessary that strict procedures be established concerning the dispatching of enrolled students off campus for University purposes.

**Procedures:** The following procedure, therefore, is established for RSO travel that qualifies as official representation:

1. Secure approval from appropriate RSO advisor.
2. Register the travel by completing an Event Registration Form on theLink ten (10) business days prior to leaving for the trip.
3. If student drivers are being used, all drivers must complete a Driver Authorization form. These forms can be obtained through the Campus Life website in the Documents section. This form should be returned to Campus Life, Doc Bryan Student Services Center, Suite 233, at least ten (10) business days prior to the event. These forms will be forwarded to the Travel Office.
  - a. The Driver Authorization form acts as a release to permit the University to check the student's driving record.
  - b. Anyone found to have an unacceptable driving record as defined by the University will not be allowed to drive under this policy.
4. All RSO members attending must sign a Student Acknowledgement Form with an Emergency Contact form. These forms can be obtained through the Campus Life website at <http://www.atu.edu/campuslife/resources.php>. This form should be returned to Campus Life, Doc Bryan Student Services Center, Suite 233, prior to the event. It is recommended that the RSO advisor keep a copy of this form for each student attending.
5. In the event of an accident, RSO members shall file reports with Campus Life concerning any accidents, collisions, personal injury, or property damage to themselves or to others on returning to the campus.

**RSO Advisor Role:** RSO advisors are encouraged to accompany students on off-campus trips covered under this policy. An advisor can be defined as any full-time or part-time faculty or staff member, any graduate assistant with a direct connection to the purpose of the off-campus travel, or any graduate assistant who advises an RSO in an official capacity as defined by the RSO policies.

## Solicitations

**Definitions.** Solicitation is selling, advertising, or obtaining contributions on or off campus. Any RSO may be permitted to solicit, subject to approval by Campus Life and the Division of Advancement. RSOs must register their requests with Campus Life by completing the Event Registration form on theLink.

**General Provisions.** University facilities are not to be used for commercial activities or for personal gain.

## Procedure

1. All requests must be completed via the Event Registration form on theLink at least seven (7) business days prior to the requested date(s) of solicitation. All requests will be reviewed, and applicants will be notified of approval or disapproval within three (3) business days after the application has been filed.
2. If a Solicitation/Fundraising Proposal is targeting area businesses, the proposal must be turned in at least thirty (30) business days prior to the requested date(s) of solicitation. This is to ensure that there are currently no conflicts with University contracts and/or sponsorship efforts as well as to give the requesting party ample time to conduct solicitation/fundraising efforts. All proposals will be reviewed and applicants will be notified of approval or disapproval within fourteen (14) business days after the proposal has been filed. This form can be obtained from the Campus Life website.
3. No door-to-door soliciting in University buildings.

## Facility

RSOs may use University facilities to raise funds on campus when they are in compliance with the following definitions and regulations:

1. All fundraising events must be approved by Campus Life via the Event Registration form on theLink.

2. The funds raised using campus facilities may not be used for any illegal purposes and must be consistent with the stated purposes of the sponsoring organizations.
3. When a University facility or grounds is used for an event, the sponsoring organization shall pay and/or encumber beforehand all pre-established program costs (e.g., production costs, equipment rental fees).
4. Organizations using University facilities to raise funds must be financially accountable and operate within the following guidelines:
  - a. All funds raised must be deposited in an on-campus agency account and may be withdrawn in accordance with the original fundraising purpose only after all the bills incurred during the event have been paid.
5. The University reserves the right to investigate financial records of an RSO that has been allowed to raise funds on campus to determine if the funds are being used for the purpose for which they were raised.
  - a. In the event that a fundraiser loses money, the sponsoring organization remains liable for covering all cost incurred by the activity.
6. The publicity for the event must be submitted with the fundraising Event Registration form on theLink and approved by Campus Life prior to distribution. Publicity should include the following information:
  - a. The name of the sponsoring campus organizations and a contact email.
  - b. The name of the benefiting on or off-campus organizations or individual.
  - c. The intended specific uses of funds collected at the event.
  - d. The amount of donation or percentage of net profit going to benefiting organizations.

### **Benefits and Donations**

RSOs may sponsor non-commercial activities, sales and performances for the benefit of persons or off-campus organizations as long as the personal gain restriction is not violated and the RSO agrees to comply with the following stipulations:

1. The publicity for the event must be submitted with the fundraising Event Registration form on theLink and approved by Campus Life prior to distribution. Publicity should include the following information:
  - a. The name of the sponsoring campus organizations and a contact email.
  - b. The name of the benefiting on or off-campus organizations or individual.
  - c. The intended specific uses of funds collected at the event.
  - d. The amount of donation or percentage of net profit going to benefiting organizations.
  - e. A specific disclaimer of University sponsorship or endorsement.
2. All funds collected must be deposited into the RSOs on-campus agency account. Benefit income may be disbursed only from the account after all bills for the event expenses have been paid. All disbursements must be consistent with the original stated purpose of the event and in compliance with contractual agreements, including the amount of donation or percentage of net profit.
3. Soliciting donations from businesses in the Russellville area must comply with the following stipulations:
  - a. A list of proposed businesses should be submitted with fundraising Event Registration form via theLink and be approved by Campus Life and the Division of Advancement.

### **Liability**

RSOs sponsoring solicitation may be held liable for any false advertising, fraudulent, and/or illegal conduct as it relates to the sale of their merchandise, services, or activities.

## Food Sales

Food sales on campus must adhere to these guidelines:

1. All food sales events must be submitted via the Event Registration form on theLink and approved by Campus Life and by the department responsible for the facility.
2. The RSO responsible for selling food must accept the responsibility for any illness that may occur from consumption of the food sold.
3. No food sales may be conducted inside or in front of Baswell Techionery or Chambers Cafeteria or set up adjacent to any building entrance in such a way as to impede free access into the building.
4. No commercial food vendor sales are permitted.
5. If food/drinks are to be sold, it must be handmade or donated.
6. RSOs may request to sell food on campus that is prepared by Chartwells Food Service.
  - a. If food/drinks are to be purchased and re-sold, RSOs must first contact Chartwells Food Service for first right of refusal. If Chartwells Food Service is not able or willing to provide needed items, RSOs may obtain food/drinks off-campus.
7. Food that is served free of charge at potlucks, parties, or meetings where the event is not open to the general public does not need prior approval. A potluck is a gathering of people for a meal where the participants are expected to bring food ready to be shared among everyone at the gathering.

## Gambling

Gambling in any form is prohibited on University property. RSOs are prohibited from organizing gambling events off campus. Gambling includes, but is not limited to, pay to enter activities that are games of chance such as raffles, bingo, tournament brackets, card games, tournaments, guessing games, etc.

## Motion Picture Policy

Under the U.S. Copyright Act, Public Law 94-553, Title 17 of the United States Code, Section 106 "the copyright owner has the exclusive right to display the copyrighted work publicly." Hence, RSOs wishing to show a copyright motion picture or audiovisual must acquire a license.

To discuss the licensing process, please schedule a meeting with Campus Life staff or visit [www.atu.edu/rso/forms\\_manuals.php](http://www.atu.edu/rso/forms_manuals.php).

## Use of University Name, Logo, and Images

The mission of Arkansas Tech University's Licensing program is to protect and promote the Arkansas Tech University brand and to ensure the public can properly identify and associate the University's name and logos with officially licensed products.

Procedures for use of the University's name, logo, and images can be found at <https://www.atu.edu/marcomm/>.

To discuss the licensing process, please contact University Marketing and Communication.

## University Supported Organizations

Two RSOs are directly supported by student activities fees. The organizations are listed below.

**Student Government Association.** The Student Government Association (SGA) is the overall student governing body at Arkansas Tech University and serves as an intermediary between the faculty/administration and the student body in the interest of student welfare. SGA represents all students and serves as their communication link to the various components of the campus. SGA operates under a constitution adopted by the student body. It is organized for students, and students are encouraged to attend the meetings and go to SGA for assistance in any aspect of student life. The current constitution is available upon request at the SGA Office in Doc Bryan.

SGA has standing and ad hoc committees. For more information, please visit SGA's page on theLink. All weekly general meetings are open to the public.

**Student Activities Board.** The Student Activities Board is committed to promoting student success and enhancing the campus community by providing enjoyable, engaging, and creative activities for the student body. SAB fulfills this mission by serving in an advisory capacity to the designated SAB Advisor(s), suggesting, planning and implementing events, cultivating student involvement in SAB, and by collaborating with other organizations at the University.

General Members of SAB agree to effectively assist with and attend at least one SAB event per month, or to take on an alternate responsibility approved by the SAB Advisor or Executive Board Member. General members are encouraged to attend SAB volunteer meetings whenever possible in order to suggest ideas, offer feedback, and to offer support for events.

SAB Executive Board positions include President and four (4) or five (5) Directors. These positions are open each spring and include a stipend. Any University student in good disciplinary and academic standing may apply for SAB Executive Board positions. The President position requires two (2) semesters of experience with SAB, but other Executive Board positions do not require prior SAB experience.

SAB activities can vary widely, but typical activities include comedians, magicians, musicians, game shows, social events, movies, etc.

Additional RSOs can be found on theLink at <https://atu.presence.io/>.

## Greek Lettered Organizations

In addition to the rules and regulations of Registered Student Organizations, the following policies and procedures apply to Greek-letter organizations who are supervised under the Office of Fraternity and Sorority Life (FSL). Further details can be found in the Office of Fraternity and Sorority Life Policies and Procedures Handbook on [www.atu.edu/fsl](http://www.atu.edu/fsl) and the FSL page on theLink.

### Membership- Chapter Roster

A chapter roster must be kept on file with the Office of Fraternity and Sorority Life. This file is kept electronically and can be accessed by the Campus Life staff and the Chapter President and/or other selected chapter officers.

#### 1. Adding Members

- New Members and Transfer Members are added when the New Member Reporting Form is completed on theLink.

#### 2. Removing Members

- Members are removed when Member Removal Form is completed on theLink.

#### 3. Status

- Active – an active, initiated member of the chapter
- New Member – a member who has not yet been initiated
- Inactive – an initiated member who is not currently involved with the chapter, but intends on returning to Arkansas Tech (e.g. completing an internship)

### New Member Process

Each semester, New Member Educators from each chapter will meet with FSL to review policies and procedures regarding new member education. New Member Educators are also required to submit a New Member Education plan and review it with FSL each semester. Failure to do so will result in loss of new member activities and/or social privileges until this requirement is completed.

### Event Registration

All chapter events, on and off campus, must be submitted via the Event Registration Form fifteen (15) business days

prior to the event on theLink and approved by FSL. Overnight events must be submitted forty-five (45) business days in advance.

All chapter events (social, parties, Bid Night, recruitment, philanthropy, brotherhood/sisterhood, initiation, etc.) must abide by the Event Policy Guidelines and the Risk Management Policy found within FSL Policies and Procedures Handbook on theLink.

Failure to follow these guidelines will result in disciplinary action and/or loss of privileges by FSL. All events must adhere to the inter/national guidelines of each organization.

### **Governing Bodies**

The governing bodies of Fraternity and Sorority Life are the College Panhellenic Council, the Interfraternity Council, and the National Pan-Hellenic Council. The councils are self-governing organizations that provide guidelines and support to its member organizations.

### **Academic Reporting**

Official academic reports will be released on February 1st and June 1st for the fall and spring semesters, respectively. Academic reports will be based off of the chapter roster as of the last day of the semester.

### **Organization Discipline**

If an organization fails to comply with FSL Policies and Procedures Handbook, the organization will be required to meet with a Campus Life staff member and staff in the Department of Student Conduct to determine the violation(s) and may receive disciplinary and educational sanctions for the violation(s). Examples include, but are not limited to, social probation, monetary fines, sponsoring future educational programs, etc.

Failure to comply with council rules will result in a standards board meeting with the chapter's respective council.

### **Reporting of Service Hours/Philanthropy Donations**

It is the chapter's responsibility to document all of their members' hours via their chapter page on theLink. Service hours within the chapter are declared by the community service chairmen of the chapter. Reporting will be documented via theLink and end of semester reports.

Philanthropy includes any event or program intended to raise awareness, money, and/or goods to donate with no financial or material rewards.



**View the Academic Calendar at [www.atu.edu/registrar/](http://www.atu.edu/registrar/)**

Arkansas Tech University reserves the right to modify, alter or change any program, regulation or policy in this Student Handbook at any time during the period it is in effect as it deems necessary in its sole discretion. Effective dates of changes will be determined by the proper authorities of Arkansas Tech University. This handbook is not a contract.

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