

BLACK  
RIVER

*Student Handbook*



TECH  
2016-2017

# Student Handbook and Information

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## **Policy Statement**

Policies and procedures stated in this handbook - from admission through graduation - require continuing evaluation, review, and approval by appropriate college officials. All statements reflect policies in existence at the time this handbook went to press. The college reserves the right to change policies at any time and without prior notice.

## **Accident or Illness**

Any student who has an accident or becomes ill and needs health services should inform his/her instructor immediately. The student will be excused to seek medical treatment. If the situation is an emergency 911 will be called immediately. The instructor will document any accident that has occurred.

## **Administrative Withdrawal**

Administrative Withdrawals are only granted after the student initiated drop date has passed. The Administrative Withdrawal are only be administered by either the Vice President of Student Affairs or the Registrar. All Administrative Withdrawals must have justifiable extenuating circumstances and must have supporting documentation to prove need for drop. Examples of supporting documentation include, a letter from doctor, obituaries, or documentation from court system. Allied Health and LETA programs are exempt from this process; students may be dropped for policy violations with an Administrative Withdrawal according to the policies put in place for these specific programs. Students who request Administrative drops that are not approved will be notified.

## **American College Testing Program (ACT)**

BRTC is a designated regional testing center for the ACT program. Tests are administered on specified national testing dates. Students wishing to take the ACT test should contact Regina Moore, Director of Distance Education, at 870-248-4000, ext. 4049, for testing dates. Test dates are also listed in the ACT package available in the Office of Student Affairs.

## **Bookstore**

The college bookstore stocks all required textbooks and some required supplies for classes, as well as a variety of miscellaneous items. Graduation caps and gowns are also distributed through the bookstore.

Normal buy-back days are scheduled for the end of finals for both the Fall and Spring Semesters.

Bookstore hours are 8:00 a.m. to 4:30 p.m. during regular semesters. During the first week of each semester, the bookstore has extended hours.

## **Cafeteria**

The BRTC Cafeteria on the Pocahontas Campus is open Monday through Friday for both breakfast and lunch meals. Breakfast is served from 7:30 a.m. until 9:00 a.m. Lunch is served Monday through Friday from 11:00 until 1:00 p.m.

The plate lunch is \$6.00. Other items can be purchased separately.

## **Career Counseling**

Job postings, resume preparation resources, and placement services are available through BRTC Career Connections, an online employment resource. Bridget Guess, Student Affairs Advisor, is the contact for information about BRTC Career Connections.

A fulltime Career Counselor is available to assist students with career exploration and employment opportunities. The Career Counselor is on the Paragould campus one day per week.

## **CLEP**

BRTC will accept CLEP College Board exam scores toward course credit. Credit for CLEP scores will only be granted for classes equivalent to ones offered at BRTC. Students must make CLEP acceptable passing scores on the exam for credit to be awarded. Students must submit official scores from the College board to be awarded credit. Scores cannot be older than twenty years. If you have questions please contact our Registrar at [870-248-4015](tel:870-248-4015) or [registrar@blackrivertech.edu](mailto:registrar@blackrivertech.edu).

## **Clubs and Organizations**

In order to give opportunity for many students to participate in an activity and in order to provide opportunities for students to select from a diversity of activities, the college encourages the development of clubs representing a variety of interests. Clubs and organizations shall be established and governed in accordance with the provisions and guidance of the advisor of the club or organization, and the approval of the recommendations by the administration. Students who are interested in forming a club should contact the Student Government Association advisor.

## **Club Advisors**

Club advisors are full-time employees of BRTC and provide proper supervision at all college functions. They must have the approval of the college president to act in an advisory capacity. Off-campus student activities may be permitted with the approval of the administration and will be properly supervised by appropriate club advisors.

## **Community Group Activities**

The College encourages opportunities for students to participate in the activities of the communities in the area served by the college if they are educationally sound, and if they lead to a better understanding of community responsibility.

## **Contests for Students**

Some programs offered at BRTC afford the opportunity for the students to participate in state and national competition. BRTC realizes the particular values obtained from these competitions and encourages the involvement of the students.

## **Dress Code**

Black River Technical College does not have an official dress code. When choosing clothing, please think of the image you wish to portray to the faculty, staff, and other students. If you are questioning your choice of clothing, ask yourself, "If a future employer saw me in this, would I make a good impression?"

## **Equal Opportunity/Affirmative Action**

Black River Technical College is an equal opportunity institution and will not discriminate on the basis of race, color, sex, religion, national origin, age, handicap/disability, or other unlawful factors in employment practices, or admission and treatment of students. Any questions regarding this policy should be addressed to the Vice President for Administration, Black River Technical College, P.O. Box 468, Pocahontas, Arkansas, 72455, 870-248-4000, ext. 4099.

## **FERPA**

Release of Student Information (Federal Educational Rights and Privacy Act-FERPA)

As a general rule, a student's academic record is confidential and will not be released to unauthorized persons without written approval from the student. However, under 34CFR 99.31 (a) (2) BRTC can release a student's information to another institution in which the student seeks or intends to enroll.

The following items are considered public information and may be made available upon inquiry unless the student requests nondisclosure: name, address, phone number, enrollment status, degrees obtained and dates conferred, and dates of attendance.

Request for nondisclosure is effective until the student notifies the Registrar, in writing, that the request is to be voided. BRTC intends to comply fully with the Family Education Rights and Privacy Act (FERPA) of 1974 which was designed to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. Students also have the right to file complaints with the FERPA office of the US

Department of Education concerning alleged failures by the institution to comply with the Act. Questions concerning the Family Education Rights and Privacy Act should be referred to the Vice President for Student Affairs.

## **Gender**

The gender of a student for their permanent file record at Black River Technical College is based on the gender that is indicated on the student's driver's license. In order to change gender information in the student's permanent file record, the student must produce a new driver's license or birth certificate indicating the change in gender.

## **Gift Giving**

Individual students are discouraged from giving gifts to faculty members. Staff members, particularly those in positions where decision making is a primary part of their duties, shall not accept personal gifts from those who would profit from such decisions.

## **Illegal Drugs/Alcohol – Drug Free Campus Statement**

No employee, student or guest may bring any intoxicant or harmful/illegal drug onto the Campus, or appear on Campus under the influence of such substances. It is illegal in the state of Arkansas to manufacture, distribute, dispense, possess or use any controlled substance in the school or workplace. Any employee violating this policy will be subject to discipline up to and including termination and any Federal or State penalties applicable to the convicted offense. This policy does not apply to those substances being used for educational purposes. Counseling and drug treatment referral programs are available for employees of Black River Technical College. Confidential information about various drug and alcohol referral programs may be obtained by contacting the Black River Technical College Human Resources' Office.

## **Inclement Weather**

The president may cancel classes in the event of severe weather. Announcements of cancellations will be aired on radio stations KPOC, Pocahontas; KFIN, Jonesboro; KTMO, Kennett, MO; and on the television station KAIT, Channel 8, Jonesboro. The RAVE alert system gives students and the college community the option of receiving text alerts in case of inclement weather or other class cancellations.

Students are strongly encouraged to sign up for RAVE alerts.

## **Mental Health Withdrawal**

See Administrative Withdrawal policy.



## **Name/Address Changes**

Students who wish to change their name or address must request this change in Student Affairs. Students wanting to change their name must present their driver's license and Social Security card.

## **Parking**

All students must obtain a registration/parking permit for any vehicle driven on the college campus. New permits effective for one year are issued in the Fall Semester each year. There is no charge for the first parking permit, available at the STUDENT PAYMENT WINDOW. There will be a \$5.00 charge for each additional parking permit

Parking fines are \$5.00 for the first violation and increase by \$5.00 for each successive violation. A list of violations may be obtained at the cashier's window. Students are required to park in the YELLOW painted areas designated for student parking. WHITE painted parking areas are reserved for faculty and staff. Back-in parking is only allowed in Handicap Parking areas.

## **Physical Examinations**

Physical examinations may be required of students enrolled in some programs offered at BRTC. If an examination is required before enrolling in a class or program, it will be at the expense of the student.

## **Racial Profiling Policy**

In accordance with Act 1048 of 2007 of Arkansas statute, BRTC has adopted a formal policy and procedures detailing its compliance with state legislation that formally prohibits racial profiling by Arkansas law enforcement. This policy and procedure model applies to all campus law enforcement officials. The policy affirms that all law enforcement officers of the BRTC Police Department shall base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the U.S. Constitution and Arkansas Constitution. The full text of this policy is contained in the BRTC Policy and Procedures manual, and shall be made available upon written request to the Office of Campus Police, Maintenance Building.

## **School Hours**

Classes meet at any time between the hours of 8 a.m. and 10 p.m., Monday through Saturday; specific class times will be set at registration.

## **Services for the Disabled**

Black River Technical College's coordinator of services for the disabled is also the compliance coordinator for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. The coordinator can arrange for academic adjustments, work place accommodations, and auxiliary aids for qualified students. BRTC will provide auxiliary aids, without cost, to those students with verified disabilities/handicaps who require such services. If necessary, BRTC will provide appropriately trained service providers. Concern about physical access to facilities should be addressed to Bridget Guess, BRTC Student Services, P.O. Box 468, Pocahontas, Arkansas, 72455, 870-248-4000 ext. 4014 or Amanda Dobbs, P. O. Box 1565, Paragould, Arkansas, 72450, 870-239-2050 ext. 5015.

## **Sex Offenders**

### **Campus Community Information Regarding Sex Offenders**

Arkansas Code Annotated 12-12-913 requires the disclosure to the campus community of information regarding a registered sex offender(s) who is employed by or attending an institution of higher education. Students who are registered sex offenders must inform the Director of Public Safety and the Admissions Office of restrictions that may be in place as a result of their status.

The information will be disseminated to the campus community by placing the following on bulletin boards across campus. "A registered sex offender(s) is employed or enrolled. For more information, visit the following web site <http://www.acic.org/>".

## **Smoking and Tobacco**

Black River Technical College Campuses are tobacco free under Arkansas Clean Air on Campus Act 734 of 2009. Smoking and the use of smokeless tobacco products are prohibited.

## **Social Security Number**

Each student is required to have a Social Security number when registering for class(es). Contact the Student Affairs office at 870-248-4000 for more information.

## **Student Advisor System**

During registration, an advisor will be assigned to each student. The advisor will be a faculty member in the area most closely related to the student's major, and will help the student choose appropriate courses before registration each semester, and will direct students to information on financial aid, testing, etc.

## **Student Conduct**

Students are expected to be mature and responsible in their general behavior. They are expected to attend all classes and to be punctual. After an unexpected absence due to illness or emergency, students are responsible for contacting instructors on their first day back to arrange to make up work. Excessive absenteeism may result in loss of course credit. Excessive absence is calculated as twice the number of times the class meets each week. Students are expected to obey national, state, and local laws; respect the rights and privileges of others; be forthright and honest in all their social and academic conduct; and, in general, to conduct themselves in a manner which brings credit to themselves and to the college.

BRTC reserves the right to dismiss any student whose behavior is considered undesirable or harmful to the institution. The administration may dismiss, or suspend, students who have not upheld the social or academic standards of the college, following the due process guidelines. Students who are dismissed or suspended for disciplinary or academic reasons may apply for readmission after a stated period of time set by the administration. BRTC, at the discretion of the administration, may remove from classes any student who is convicted of a felony, or who is felt to be a threat to the campus community (student body/faculty/staff).

No student, employee, or guest may bring any intoxicant or harmful/illegal drug on to the campus, or appear on campus under the influence of such substances. BRTC will not tolerate use, possession, or sale of such substances on campus, or at institutional functions. All first-time and entering transfer students receive a copy of BRTC's Drug and Campus Security Policy when completing the application process.

## **Student Employment**

There are limited opportunities for student employment on campus. Students should inquire at the Human Resources Office.

## **Student Identification Cards**

Student identification cards are issued to new students in the fall, summer, and spring semesters. The cards can be used for discounts with various local merchants. Student ID cards are used as library cards and may also be required in conjunction with other school functions when identification as a BRTC student is necessary. Student ID cards are issued through the Student Affairs Office. Replacement ID's will cost \$5 each.

## **Student Organizations**

The college recognizes that students derive many values through participation in student activities associated with the college program. Therefore, the administration will direct efforts toward the promoting, supporting, and proper directing of such activities as an integral part of the education program.

Sufficient time will be provided by the administration to afford adequate sponsorship of the student government and proper direction and assistance to all student activities. The administration will assure that staff direction and assistance do not interfere with or curb the exercising of appropriate initiative, leadership, and responsibility of students.

Students may choose to become a member of the organization for which they qualify.

## **Art Club**

The BRTC Art Club is open to any student currently enrolled at Black River Technical College. The yearly dues are \$5.00. The club hosts fund raisers such as autumn decoration and starving artist sales. Members of the club enjoy field trips to nationally known museums, such as Crystal Bridges American Art Museum in Bentonville, Arkansas, and the St. Louis Art Museum in St. Louis, Missouri. Members also enjoy attending meetings of cultural interaction and movie critiques.

## **English Club**

The English Club is open to any student currently enrolled at Black River Technical College. Faculty and staff are also welcome. Enrollment in the English Club is free.

BRTC Entrepreneurship Student Association (BESA)

All persons interested in entrepreneurship shall be eligible for membership. Membership shall be by application and election upon such terms as the club shall provide in its by-laws.

## **Music Club**

The Music Club, America Choral Directors Student Chapter, is open to any student currently enrolled at Black River Technical College. The yearly dues are \$5.00. Faculty, staff and participating community members may also participate in the club. The members participate in music festivals, public performances and fund raising activities.

## **National Technical Honor Society**

The National technical Honor Society was established in 1984 to honor achievements and leadership in career and technical education, promote educational excellence, award scholarships and enhance career opportunities for the NTHS membership. The BRTC Chapter was chartered in January of 2012. Student membership is open to BRTC students who are enrolled in career and technical education programs. Each student must meet the qualifications set by the college. Qualified students receive a formal invitation by the BRTC Chapter of NTHS. Students must also be nominated by a BRTC instructor. Students must maintain a 3.0 GPA to retain membership in NTHS.

## **Professional Business Leaders**

Arkansas State Chapter of Phi Beta Lambda shall consist of members of chartered local chapters. These members shall hold membership in their respective local, state, and national chapters.

**Active Members** shall be students enrolled in business and/or business-related fields who accept the purpose of PBL and subscribe to its creed. Active members shall pay dues as established by

PBL and may be eligible to participate in state competitive events, serve as voting delegates to the National and State Leadership Conference, hold national and state office, or to otherwise represent their state or local chapter as approved by their respective state or local advisers.

**Professional Members** shall be persons associated with or participating in the professional development of PBL as approved by local chapters. Such members may include local and state chapter advisers, business teachers, business teacher educators, state supervisor of business and office education, employers or supervisors of cooperative work-training students, advisory council members, and other persons contributing to the growth and development of PBL. Professional members shall pay dues as established by the National Office, but shall be ineligible to participate in events, serve as voting delegates, or hold office.

**Honorary Life Members** may be persons making significant contributions to the field of business and office education and to the growth and development of PBL. Honorary Life members may be recommended by local chapters and approved by the State Executive Council and by the State Board of Directors. These members shall not be eligible to vote or hold office and are not required to pay dues.

## **Student Government Association**

Membership in the SGA will consist of those students who are interested in furthering their social and professional development, as well as creating a liaison between the students and the administration. All students at BRTC are invited to become active members.

## **Phi Theta Kappa**

There is a Phi Theta Kappa National Honor Society chapter on the BRTC campus, and members are entitled to attend local, regional, and national meetings and events. Established in 1918, Phi Theta Kappa is the only internationally recognized honor society serving two-year colleges, and its purpose is to recognize and encourage scholarship, service, and leadership among associate degree students. Students must meet eligibility requirements based on hours earned and GPA before being invited to join. Induction ceremonies are held each semester.

## **Student Organizations Speakers**

Clubs and organizations on the campus may have off-campus speakers address their members. It shall be the responsibility of the appropriate faculty advisor to screen speakers in advance to ensure that reasonable standards of decency and morals will not be violated, and the speakers are not known to advocate illegal or unlawful activities.

## **Student Publications**

Currents, an in-house *Creative Arts Journal* publication, is produced each Spring Semester by Black River Technical College and features fine art pieces from all of the studio art courses. All students are eligible to submit their work; however, a faculty committee will choose the final pieces to be included.

## **Student Referrals**

The College has established a Student Support Referral system to help students who appear to be struggling with academic material, missing classes, or dealing with personal and financial issues that impede academic success. Faculty who are concerned about these issues will generally make an effort to talk with students directly and may then send a referral to the Completion and Retention Specialist or the Academic Learning Center Coordinator, who will then contact students directly. Students are encouraged to meet with these individuals to utilize campus and community resources for success.

## **Telephone**

If a student needs to make an emergency local phone call, he or she should see the receptionist in the Student Affairs Office.

## **Transcript Request**

The Family Education Rights and Privacy Act of 1974 requires that all transcript requests be in writing, signed and dated by the person to whom the record belongs. Transcript request forms are available in the Student Affairs Office. Students may also obtain a transcript by mailing a written request that includes the following information:

- FULL NAME as it appears on your record. Please include your maiden name, if married, or any other name used while enrolled at BRTC.
- SOCIAL SECURITY NUMBER
- ADDRESS to which the transcript is to be mailed
- YOUR RETURN ADDRESS AND TELEPHONE NUMBER

Please sign and date your request and mail or fax to: Office of the Registrar, Black River Technical College, P. O. Box 468, Pocahontas, AR 72455. Fax number: (870)248-4100.

Most institutions prefer the transcript to be mailed directly to their office. There is no charge for a transcript. All transcripts are mailed out within one working week after receiving the request. BRTC will not honor a transcript request if the student is on either an academic or financial hold.

## **Veterans**

BRTC is an approved school for veterans and their beneficiaries, and they are required to meet the same admission criteria as other students. Veterans, dependent children, and others entitled to educational assistance payments from the Veterans Administration should contact the Veterans Benefits Coordinator for detailed information and application forms.

## Visits to the College Campus

Residents of the college service area will be invited and encouraged to visit the college and to observe in any and all classrooms, provided that such visitors make arrangements in advance and conduct themselves in such a way that classroom work is not disrupted. Children are not allowed in the classroom.

Prospective students under eighteen years of age, who are not currently enrolled in classes, must be accompanied by an adult at all times.

Student Affairs will arrange for campus tours for special groups.

## Weapons on Campus

Students, employees, or guests are prohibited from possession of any type of firearm or other weapon on the campus unless specifically exempted by state law. Offenders are in violation of Arkansas Criminal Code Annotated 5-73-119 through 5-73-122

## College Policies

### Academic Integrity

**Academic Dishonesty**—Students are expected to do their own work on examinations and in preparation of all assignments. They are also expected at all times to uphold high standards of integrity. Plagiarism, cheating, and any other form of theft of intellectual property are all examples of academic dishonesty and are prohibited.

**Cheating**—is an attempt to deceive the instructor in his or her efforts to evaluate an academic exercise. Cheating includes copying another student's homework, class work, or a required project, whether in part or whole, and presenting this material to the instructor as the student's own work. It also includes giving, receiving, offering, selling, buying, and or/soliciting information on a quiz, test, or examination.

**Plagiarism**—is the intentional copying of any published work whether from a book, magazine, audiovisual program, electronic media, films, or manuscripts belonging to another student or another writer. It also includes purchasing written assignments from another person, company, or through an electronic paper-writing business. It will be deemed plagiarism when a student uses direct quotations without the proper usage of quotation marks and necessary attribution or when he or she uses the ideas of another without giving proper credit.

In fairness to all students, each instructor must enforce strict regulations to ensure honesty. Any student who violates the regulations may receive the letter grade of "F" in the specific assignment or examination. The instructor will also submit a written report of the incident to the appropriate Division Chair. The Division Chair will notify Student Affairs for documentation in the permanent record as well as inform the appropriate academic vice president.

In case of repeated infractions, other disciplinary sanctions will be imposed. Under the specific circumstances of multiple incidents, the student may be dropped from the class for academic dishonesty; and the circumstances leading to this removal from the class be entered in the student's permanent record. Continued infractions of this policy will result in the student's expulsion from the college and the reason for this expulsion will be entered on his or her permanent collegiate record.

If the student believes an erroneous accusation of academic misconduct has been made and the final course grade lowered as a result, the student may submit an appeal under the guidelines for Academic Appeals.

## **Clery Act/Campus Security Policy**

Title II of the Crime Awareness, Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the collection and dissemination of certain information regarding murder, robbery, sex offenses, forcible or non-forcible, aggravated assault, burglary, motor vehicle theft, liquor law violation, drug abuse violation, weapon possessions, arson, and manslaughter. A report must be made/filed with the security officer within 72 hours of its occurrence. Access to campus facilities should be directed to Tony Saylor, Chief Security Officer at (870) 248-4000, ext. 4034.

## **Computer Use Policy**

The Computer Use Policy can be accessed by following these links:

<http://www.blackrivertech.org/current-students/student-support-services/computer-labs/campus-computer-and-network-acceptable-use-policy>

<http://www.blackrivertech.org/current-students/student-support-services/computer-labs>

## **Judicial Policy and Procedures**

### **Article 1: Definitions**

1. Utilization of the term "college" implies "Black River Technical College"
2. Utilization of the term "student" includes any student taking courses (whether credit or non-credit courses) at the "college," and also includes any full-time and part-time student pursuing undergraduate or enrichment course work. Individual(s) who are not officially enrolled for a particular term but who have a continuing relationship with the "college" are also considered "students."
3. Utilization of the term "faculty member" refers to any individual(s) hired by the "college" to conduct classroom activities.
4. Utilization of the term "college official" refers to any individual(s) employed by the "college" who is performing assigned administrative, professional, or staff responsibilities.



5. Utilization of the term “college administration” refers to any individual(s) employed by the “college” who is performing assigned duties as an administrator for the “college” (President, Vice President for Finance, Vice President for Academics, Vice President for Student Affairs, Vice President for General Education, Vice President for Technical Education, or Vice President for Development).
6. Utilization of the term “member of the college community” refers to any individual(s) who are student(s), faculty member(s), college official(s), or any other individual(s) employed by the “college.” Individual(s) status in a particular situation shall be determined by the president of the college.
7. Utilization of the term “college premises” refers to all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the “college” (including adjacent streets and sidewalks).
8. Utilization of the term “organization” refers to any number of individual(s) who have complied with the formal requirements for “college” (enrollment/registration).
9. Utilization of the terms “Judicial Advisor, Judiciary Board, Administrative Judiciary Board, Board of Trustees Judiciary Board” refers to any individual(s) authorized by the “President of the college” to determine whether a student has violated the student code, rules, regulations, policies, or procedures and to recommend imposition of sanctions.
10. Utilization of the term “Judicial Advisor” refers to a “college” official authorized on a case-by case basis by the “President” to impose sanctions upon any student found to have violated the student code, rules, regulation, policies, or procedures. The “President” may authorize a Judicial Advisor to serve simultaneously as a Judicial Advisor and the sole member or one of the members of a Judiciary Board. Nothing shall prevent the “President” from authorizing the same Judicial Advisor to impose sanctions in all cases.
11. Utilization of the term “Appellate Board” refers to any individual(s) authorized by the “President” to consider an appeal from a Judiciary Board’s determination that a student has violated the student code, rules, regulation, policies, or procedures or from the sanctions imposed by the Judicial Advisor.
12. Utilization of the term “Shall” is used in the imperative sense.
13. Utilization of the term “May” is used in the permissive sense.
14. The “Vice President for Student Affairs” is the individual designated by the “President of the College” to be responsible for the administration of the student code, rules, regulations, policies, and procedures.
15. Utilization of the term “Policy or Policies” is defined as written regulations of the “college” as found in, but not limited to, the student code, rules, regulations, policies, procedures, college catalogs, and student handbooks.
16. Utilization of the term “Cheating” will include, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the “college” faculty or staff.
17. Utilization of the term “Plagiarism” includes, but is not limited to, the use, by paraphrases or direct quotation, of the published or unpublished work of another individual(s) without full and clear acknowledgment. It also includes the

- unacknowledged use of materials prepared by other individual(s), agency, or agencies engaged in the selling of term papers or other academic materials.
18. The term “VPSA” refers to the Vice President of Student Affairs.

## **Article II: Judicial Authority**

Decisions by a Judiciary Board shall be final, pending the normal appeal process. The decision rendered by the Administrative Judiciary Board is a final decision.

The Judicial Advisor, Judiciary Board, or Administrative Judiciary Board may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the student code, rules, regulations, policies, and procedures. All parties must agree to arbitration, and to be bound by the decision with no right to appeal.

## **Article III: Proscribed Conduct**

### **Jurisdiction of the “College”**

“College” jurisdiction and discipline shall be limited to conduct which occurs on the “college” premises or which adversely affects the “college community” and/or the pursuit of its objectives.

### **Conduct - Rules and Regulations**

Any student found to have committed the following misconduct is subject to the disciplinary sanctions from the “college”:

1. Acts of dishonesty, including but not limited to the following:
  - a. Cheating, plagiarism, or other forms of academic dishonesty.
  - b. Furnishing false information to any “college” official, faculty member, or office.
  - c. Forgery, alteration, or misuse of any “college” document, record, or instrument of identification.
  - d. Tampering with the election of any “college” recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other “college” activities, or other authorized non- “college” activities, when the act occurs on “college” premises.
3. Physical or verbal abuse, threats, intimidation, bullying, harassment, coercion and/or other conduct which threatens or endanger the health and safety of any individual(s).
4. Attempted or actual theft of and/or damage to property of the “college” or property of a member of the “college community” or other personal or public property.
5. Hazing, defined as an act which endangers the mental or physical health or safety of a student(s), or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
6. Failure to comply with directions of “college officials” or law enforcement officers acting in performance of their duties and/or failure to identify oneself to one of these individuals when requested to do so.
7. Unauthorized possession, duplication or use of keys to any “college” premises or unauthorized entry to or use of “college” premises.

8. Violation of published “college” policies, rules, or regulations.
9. Violation of federal, state, or local law on “college” premises or at “college” sponsored or supervised activities.
10. Use, possession, or distribution of narcotic or other controlled substances except as expressly permitted by law.
11. Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and “college” regulations, or public intoxication.
12. Use or distribution of tobacco products on “college” premises.
13. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on “college” premises.
14. Participation in a campus demonstration which disrupts the normal operations of the “college” and infringes on the rights of other members of the “college community”; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
15. Obstruction of the free flow of pedestrian or vehicular traffic on “college” premises or at “college” sponsored or supervised functions.
16. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another individual(s) to breach the peace on “college” premises or at functions sponsored by, or participated in by, the “college”.
17. Unauthorized use of college stationery, postage meter, and mailing.
18. Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file to use, read, or change the content, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual’s identification and password.
  - d. Unauthorized use of phone(s) and electronic devices such as radios, etc.
  - e. Use of computing facilities to interfere with the work of “member(s) of the college community.”
  - f. Use of computing facilities to send obscene or abusive messages.
  - g. Use of computing facilities to interfere with normal operation(s) of the “college” computing systems.
  - h. Use of computing facilities to view, copy, download, or send any type of pornography or obscene material.
  - i. Use of computing facilities for any purpose other than educational purposes.
19. Abuse of the Judicial system, including but not limited to:
  - a. Failure to obey the summons of a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, Board of Trustees Judiciary Board or “college official.”
  - b. Falsification, distortion, or misrepresentation of information before a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, or Board of Trustees Judiciary Board. C) Disruption or interference with the orderly conduct of a Judicial proceeding(s).
  - c. Interruption of a Judicial proceeding(s) knowingly without cause.
  - d. Attempting to discourage and individual’s proper participation in, or use of, the Judicial system.

- e. Attempting to influence the impartiality of a member of a Judicial Advisor/Board prior to and/or during the course of the Judicial proceeding(s).
- f. Failure to comply with the sanction(s) imposed under the student code, rules, regulations, policies, or procedures.
- g. Influencing or attempting to influence another individual(s) to commit an abuse of the Judicial system.

### **Violation of Law and “College” Discipline**

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of the student code, rules, regulations, policies, or procedures, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the “college community.” In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges. Although not actually admitting guilt (e.g., “no contest” or “nolo contendere”).
2. “College” disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of the student code. Rules, regulations, policies, or procedures of the “college”; for example, 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 this student code, rules, regulations, policies, or procedures may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
3. When a student is charged by federal, state, or local authorities with a violation of law, the “college” will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense(s) is also the subject of a proceeding before a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, or Board of Trustees Judiciary Board under the student code, rules, regulations, policies, or procedures, the “college” 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 capacities, remain free to interact with governmental representatives as they deem appropriate.

## **Article IV: Judicial Policies**

### **Charges and Hearing**

1. Any member of the “college community” may file charges against any student(s) for misconduct. Reports from individuals outside the college community may also result in campus judicial action. Charges shall be prepared in writing and directed to the “Judicial Advisor” responsible for the administration of the “college” Judicial system. Any charges should be submitted as soon as possible after the event takes place; however, charges must be filed within five working days after the evidence has substantiated the occurrence of a violation(s).
2. The “Judicial Advisor” may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the “Vice President of Student Affairs or Judicial

officer.” Such disposition shall be final, and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the “Vice President of Student Affairs” may later serve in the same matter as the Administrative Judiciary Board or a member thereof.

3. Uncontested cases, in which a student admits guilt may be resolved and sanctions imposed by the Vice President of Student Affairs or Judicial officer. The Vice President of Student Affairs and judicial officer reserve the right to refuse to hear a case and refer it to another judicial board. If the Vice President of Student Affairs or the Judicial officer hears the case the decision will be final with no appeal.
4. All charges shall be presented to the accused student(s) in written form by letter or BRTC email (kim.bigger@blackrivertech.edu). A time shall be set for a hearing, not more than fifteen calendar days after the student(s) has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the “Judicial Advisor.”
5. Hearing conducted by all Judiciary Boards according to the following guidelines:
  - a. Admission of any person(s) to the hearing shall be at the discretion of the Judiciary Boards and /or its “Judicial Advisor.”
  - b. In hearings involving more than one accused student, the chairperson of the Judiciary Board, at his discretion, may permit the hearings concerning each student to be considered separately.
  - c. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a Judicial Advisors, Judiciary Boards, Administrative Judiciary Boards, or Board of Trustees Judiciary Boards.
  - d. The complainant, the accused, and the Judicial Advisors, Judiciary Boards, Administrative Judiciary Boards, or Board of Trustees’ Judiciary Boards shall have the privilege of presenting witnesses, subject to the right of cross-examination, by the Judicial Advisors, Judiciary Boards, Administrative Judiciary Boards, or Board of Trustees’ Judiciary Boards.
  - e. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Judicial Advisors, Judiciary Boards, Administrative Judiciary Boards, or Board of Trustees’ Judiciary Boards at the discretion of the chairperson.
  - f. All procedural questions are subject to the decision of the chairperson of all Judiciary Boards or the Judicial Advisor.
  - g. After the hearing, the Judicial Advisors, Judiciary Boards, Administrative Judiciary Boards, or Board of Trustees’ Judiciary Boards shall determine (by majority vote if the Judicial body consists of more than one person) whether the student(s) has violated each section of the student code, rules, regulations, policies, or procedures which the student is charged with violating.
  - h. The Judicial Advisors’ and Boards’ determination shall be made on the basis of whether it is more likely than not that the accused student(s) violated the student code, rules, regulations, policies, or procedures.

- i. There shall be a single verbatim record, such as a recording of all hearings before a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, or Board of Trustees' Judiciary Board. The record shall be the property of the "college."
- j. Except in the case of a student(s) charged with failing to obey the summons of a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, or Board of Trustees' Judiciary Board or "college official," no student may be found to have violated the student code, rules, regulations, policies, or procedures solely because the student(s) failed to appear before a Judicial Advisor, Judiciary Board, Administrative Judiciary Board, or Board of Trustees' Judiciary Board or "college official." In all cases, the evidence in support of the charges shall be presented and considered.

## Sanctions

1. The following sanctions may be imposed upon any student(s) found to have violated the student code, rules, regulations, policies, or procedures:
  - a. **Warning:** A notice in writing to the student(s) that he/she is violating or has violated institutional regulations.
  - b. **Probation:** In addition to a written reprimand for violation of specified regulations, probation will be imposed for a designated period of time which will include the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulations during the probationary period.
  - c. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
  - d. **Fines:** Previously established and published fines may be imposed.
  - e. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - f. **Discretionary Sanctions:** Work assignments, service to the "college" or other related discretionary assignments (such assignments must have the prior approval of the Judicial Advisor).
  - g. **"College" Suspension:** Separation of the student(s) from the "college" for a definite period of time, after which the student(s) is eligible to return. Conditions for re-admission may be specified.
  - h. **"College" Expulsion:** Permanent separation of the student(s) from the "college."
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than "college" expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become a part of the student's confidential record. Upon graduation, the student's confidential record may be expunged of disciplinary actions other than "college" suspension, "college" expulsion, upon application to the "Judicial Advisor." Cases involving the imposition of sanctions other than residence hall suspension, residence hall expulsion, "college" suspension, "college" expulsion shall be expunged from the student's confidential record five years after the departure or completion of course work at the "college."
4. The following sanctions may be imposed upon groups or organization:
  - a. Those sanctions listed above in Section B1, a through e.
  - b. **Deactivation:** Loss of privileges including "college" recognition, for specified period of time.

5. In each case in which the VPSA, Judicial Advisor, or any of the Judiciary Boards determines that student(s) has violated the student code, rules, regulations, policies, or procedures, the sanction(s) shall be determined and imposed by the “VPSA or Judicial Advisor.” In cases in which individual(s) other than or in addition to the “Judicial Advisor” has been authorized to serve as the Judicial body, the recommendation of all members of the Judicial body shall be considered by the “VPSA or Judicial Advisor in determining and imposing sanctions. The VPSA or Judicial Advisor is not limited to sanctions recommended by members of the Judiciary Boards. Following the hearing, the VPSA or Judicial Advisor shall advise the accused in writing of its determination and of the sanction(s) imposed, if any. This notification to the accused student(s) must occur within five working days after the decision has been determined.

### **Interim Suspension**

In certain circumstances, the “President of the college,” or a designee, may impose a “college” suspension prior to the hearing before a Judicial Advisor or any of the Judiciary Boards.

1. Interim Suspension May Be Imposed Only:
  - a. To ensure the safety and well-being of members of the “college community” or preservation of “college” property;
  - b. To ensure the student(s) own physical or emotional safety and well-being; or
  - c. If the student poses a definite threat of disruption of or interference with the normal operation of the “college.”
2. During the interim suspension, student(s) shall be denied access to the campus (including classes) and/or all other “college” activities or privileges for which the student(s) might be otherwise eligible, as the “President of the College” or the “VPSA or Judicial Advisor” may determine to be appropriate.

### **Appeals**

1. A decision reached by the VPSA, Judicial Advisor, or the Administrative Judiciary Board and the sanction(s) imposed are final and have no right to appeal. A decision reached by the Judiciary Board, or sanction(s) may be appealed within five working days of the decision. Such appeals shall be in writing and shall be delivered to the “VPSA or Judicial Advisor” or his or her designee.
2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, giving the complaining party a reasonable opportunity to prepare and present evidence that the student code, rules, regulations, policies, or procedures were violated, and giving the accused student(s) a reasonable opportunity to prepare and to present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student(s) was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the student code, rules, regulations, policies, or procedures occurred.

- c. To determine whether the sanction(s) imposed were appropriate to the violation of the student code, rules, regulations, policies, or procedures which the student(s) was found to have committed.
  - d. To consider new evidence, sufficient to alter a decision, or relevant facts not brought out in the original hearing because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
3. If an appeal is upheld by the “Appellate Board,” the matter shall be remanded to the original Judiciary Board and Judicial Advisor for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).

## **Student Judicial Process**

The basic fundamentals of procedural due process will be followed in the adjudication of student violations of college regulations. Procedural due process does not provide for legal representation, a public hearing, confrontation and cross-examination of witnesses, warning about privileges, self-incrimination, applications of double jeopardy, or any of the remaining features of federal criminal jurisprudence. Circumstances, however, may require provision of one or more of these features in a particular case to guarantee the fundamental concepts of due process.

### **Judicial Process**

The following procedural guidelines are established for the handling of disciplinary matters:

1. The student shall be notified by the Registrar, hereafter known as the Judicial Advisor that he/she is charged with violating a regulation. The student shall be entitled to receive notification of the time and place of the hearing on the charge(s) in writing at least 48 hours in advance. Such notification shall be: (1) hand delivered; (2) mailed certified with notification of acceptance or rejection; or (3) by proof of mailing four days prior to the hearing (4) school email. The hearing time will be set for no more than fifteen calendar days after the student receives notification of the violation(s). Students’ registration may be denied and/or transcripts withheld pending adjudication of allegations.
2. The Judicial Advisor will inform the student of his or her options which are as follows:
  - a. Student may plead guilty, and the case will be heard by the VPSA or Judicial Advisor and the decision has no appeal.
    - i. In the event the student excepts (A) the VPSA or Judicial Advisor to hear the case, the VPSA or Judicial Advisor will inform the student that by admitting the alleged violation(s) and requesting that VPSA or Judicial Advisor take whatever action seems appropriate, the student will not be entitled to appeal the decision to the Judiciary Board. The student should understand that the decision and the course of action by the VPSA or Judicial Advisor will stand.
  - b. The student may deny the alleged violation at which time the VPSA or Judicial Advisor will refer the case to the Judiciary Board. The decision of the Judiciary Board may be appealed to the Administrative Judiciary Board. The student may plead not guilty and his or her case will be heard by the Judiciary Board, and the decision of the Judiciary Board can be appealed. The Judiciary



Board consists of 3 the following individuals:

Director of the Career Pathways Program  
Registrar's Assistant  
Division Chair of Technical Education  
Division Chair of General Education  
Division Chair of Allied Health  
Paragould Academic Site Coordinator

- c. Students who wish to accept neither (A) nor (B) can request that the Judicial Advisor refer the disciplinary charge(s) directly to the Administrative Judiciary Board for adjudication, which is comprised of 3 of the following individuals:

Vice President for General Education or Technical Education of Black River Technical College  
Vice President for Administration of Black River Technical College  
Vice President for Student Affairs of Black River Technical College  
Vice President of Development of Black River Technical College

3. The student shall be entitled to appear in person and present his/her defense. The student may also elect not to appear, in which case the hearing shall be held in his/her absence. The failure of the student to appear should not be taken as indicative of guilt and must be noted without prejudice.
4. The student and the college shall not be represented by legal counsel. The student may be accompanied by a member of the faculty, staff, student body of the college, a parent or guardian, or by legal counsel. Those who accompany the student will not be allowed to testify nor ask any questions of anyone present at the hearing. Failure of those accompanying the student to comply with the above statement will result in him or her being asked to leave the hearing.
5. If the student elects to attend the hearing, he or she shall hear all testimony and may ask questions of witnesses.
6. The student shall be entitled to the right to remain silent throughout the judicial proceedings and such refusal to participate should not be taken as indicative of guilt and must be noted without prejudice.
7. The student shall be entitled to an explanation of any penalty which is assessed.
8. The student shall be told of his/her right to appeal a decision and the procedure for such an appeal.

## **Judicial Appeal Process**

If the student wishes to appeal the decision of the Judiciary Board, he/she must do so within five working days of the date of receiving the decision. Appeals must be submitted in writing to the VPSA or Judicial Advisor. Appeals must be submitted based on the following: (1) the student was deprived of a right according to the rules and regulations governing the disciplinary hearing and this error materially affected the decision, (2) the finding of guilt was not supported by substantial evidence, and (3) the sanction imposed was unreasonably harsh based upon the

circumstances of the particular act of misconduct and the prior record of the accused. Such an appeal shall be made to the Administrative Judiciary Board.

The Administrative Judiciary Board shall review the disciplinary records and proceedings in light of the ground put forth in the written appeal. Once a decision has been made, the Judicial Advisor shall notify the student in writing within five working days.

In the decision, the Administrative Judiciary Board may: (1) affirm the decision of the Judiciary Board; (2) affirm the decision of the Judiciary Board and modify the sanction placed against the student, but impose no more severe sanction(s) than originally imposed; (3) order a new hearing of the case by the Judiciary Board, or (4) reverse the decision placed against the student by the Judiciary Board. The Administrative Judiciary Board is the final decision. No further appeal will be granted.

An appeal committee of 3 members of the Board of Trustees may fill in for either board (judiciary or Administrative Judiciary board) in cases where the VPSA or Judiciary officer is unable to obtain a 3 member uninvolved or unbiased committee.

The Administrative Judiciary Board shall review the disciplinary records and proceedings in light of the ground put forth in the written appeal. Once a decision has been made, the VPSA or Judicial Advisor shall notify the student in writing within five working days. Grounds for an appeal, time limits within which decisions must be made, and options available to the Board of Trustees, Judiciary Board shall be the same as when an appeal is taken to the Administrative Judiciary Board.

## **Interim Suspension**

An interim suspension is a temporary suspension based upon facts that show the student's continued presence on the campus constitutes a danger to property, to himself/herself, or to others. The student will immediately be given notice of reason for the interim suspension and the time and place of a preliminary hearing at which he/she shall be afforded an opportunity to show why his/her continued presence on campus will not constitute a danger to property, himself/herself, or to others. Such notice shall be given in writing and hand delivered or mailed at least four (4) working days prior to any hearing on the charge. An imposed interim suspension is not based on presumption of the student's guilt, nor does it nullify his/her right to the basic fundamentals of due process.

## **Disciplinary Sanctions**

College judiciaries shall hear cases of alleged violations of regulations which are referred by the Judicial Advisor and render judgments about the validity of charges and recommend one of the following:

- A. NOT GUILTY — No violation of standards of conduct has been proven.
- B. GUILTY — A violation of standards of conduct has been proven. In this case, the Judiciary authority may select from the following sanctions listed in order of severity:
  - a. EDUCATIVE SANCTIONS — Papers, counseling, alcohol/drug evaluations, etc.
  - b. REPRIMAND — (a) Oral reprimand — An oral disapproval issued to the student by a person designated in the decision; (b) Written reprimand — A statement of

disapproval prepared by the designated person and delivered to the student in writing.

- c. **RESTRICTIONS** — (a) Identification card privileges; (b) parking privileges; (c) other.
- d. **RESTITUTION** — Compensation for loss or damage incurred to the college or a member of the college community.
- e. **PROBATED SUSPENSION** — Notice that further convictions of major offenses, as specified, may result in suspension. The period of probation shall be specified in the decision.
- f. **PROBATED EXPULSION** — Notice that further convictions of major offenses, as specified in the decision, may result in expulsion.

**\*NOTE:** The College will not accept for transfer any credits earned at other institution during the period a student is on suspension for disciplinary reasons from Black River Technical College.

## **Student Appeal Process**

The following procedure will be utilized for any appeal, including academic appeals that are generated from a student or the student population at Black River Technical College.

Step 1. The appeal shall be presented, in written form, within five (5) working days after the occurrence of the situation. A student(s) wishing to appear before the appeals committee must state her/his request in writing. This request must be submitted to the Registrar, who is designated as the Appeals Officer. The student(s) will be notified of the committee's meeting time and date by the Student Appeals Officer.

Step 2. The Appeals Officer will submit the appeal to the Appeals Committee for the committee's consideration. If the Appeals Committee cannot reach a majority decision, the appeal will be presented to the Administrative Appeals Committee. If the appeal involves grades, policies, or procedures, the Student Appeals Officer will present the appeal directly to the Administrative Appeals Committee for consideration. The Appeals Committee has no authority, in any circumstance, to overturn grades or to change the policies and/or procedures of this college. The Appeals Officer will notify the student(s) in writing of the decision rendered within five (5) working days.

Step 3. If the appeal has not been resolved, the student(s) may appeal the decision of the Appeals Committee within five (5) working days from the date of notification. This appeal shall be in written form and shall be submitted to the Student Appeals Officer.

Step 4. The Appeals Officer will submit the appeal to the Administrative Appeals Committee for the committee's consideration. The Administrative Appeals Committee will derive at a conclusion regardless of the vote and will submit the decision to the Appeals Officer. The Appeals Officer will notify the student(s) in writing of the decision rendered within five (5) working days.

Step 5. In the event a student(s) is dissatisfied with the decision of the Administrative Appeals Committee, she/he may petition within 5 working days (in writing) the governing board, through the president, to review the case.

Upon receipt of the appeal by the president, a meeting date and time will be established within 14 to 21 days (or earlier if possible) with the Executive Committee. The Executive Committee of

the BRTC Board of Trustees (or appointees by the president if unavailable) will review the appeal. A majority vote of the Executive Committee will be the final decision. If the Executive Committee does not derive at a majority decision, the appeal will be presented to the full board and the decision shall be final. Student(s) having concerns pertaining to the compliance with Title VI (ethnicity), Title IX (gender), or Section 504 of the Rehabilitation Act of 1973 (disability), may submit their concern directly to:

Office for Civil Rights, U. S.  
Office of Education  
1200 Main Tower Building  
Dallas, TX 75202

Copies of the above stated Acts may be obtained in the Office of the Vice-President for Student Services, as well as copies of the institutional policies pertaining to sexual harassment.

Appeals Committee will consist of 3 of the following individuals:

- Director of Pathways
- Registrar's Assistant
- Division Chair of Technical Education
- Division Chair of General Education
- Division Chair of Allied Health
- Paragould Academic Site Coordinator

Administrative Appeals Committee will consist of the following:

- Vice-President for General Education
- Vice-President for Technical Education
- Vice-President for Finance
- Vice-President for Student Affairs
- Vice-President for Development

If, for any reason, a member of the Appeals Committee or a member of the Administrative Appeals Committee cannot be present to hear the appeal, or is deemed to be biased in the situation, the President of the college may substitute the committee member.

## **Sexual Harassment Policy (Title IX)**

### **Policy Statement**

No person at Black River Technical College will, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to sex discrimination, sexual harassment, or sexual misconduct under any educational program or activity.

### **Introduction**

Members of the college community, guests and visitors have the right to be free from sexual discrimination, harassment or violence, which means that all members of the campus community

are expected to conduct themselves in a manner that does not infringe upon the rights of others. Black River Technical College is committed to fostering a learning and working environment that is free from prohibited sexual or gender based discrimination and harassment. Black River Technical College believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is identified and reported, and the respondent is found to have violated this policy, sanctions will be implemented to ensure that such actions are never repeated. These procedures have been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. The policy and procedures are intended to define community expectations and establish a mechanism for determining when those expectations have been violated.

Black River Technical College also complies with the 2013 Violence Against Women Act—Section 304. In compliance with VAWA, Black River Technical College has established policies, procedures, resources and educational programming to address sexual assault, dating violence, domestic violence and stalking, to affirm that BRTC students and employees are provided with a safe learning and working environment.

## **Jurisdiction**

BRTC's Title IX policy protects students, employees, and visitors during all academic, educational, extracurricular, and other programs of the school, whether these programs take place in school facilities, in college transportation, or at a class or training program sponsored by the school at another location.

## **Definition of Terms**

**Complainant:** Any party who makes a complaint/grievance against another student, employee, staff member, or campus visitor.

**Respondent:** The person(s) against whom a complaint has been made.

**Definition of Status:** A fulltime employee will be considered as an employee, regardless of student status. A student who is a part-time employee will be considered a student unless the incident under consideration occurred in connection with employment.

**Discrimination:** Actions that deprive the members of the community of educational or employment access, benefits or opportunities or any discrimination, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities. There can be no discrimination related to pregnancy, child birth, false pregnancy, termination of pregnancy or recovery.

**Discriminatory Harassment:** Detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a person's ability to participate in or benefit from the college's educational programs or activities.

**Sexual Harassment:** Sexual harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, limiting, or denying someone the ability to participate or benefit from the college's educational programs. The unwelcome behavior may be based upon power differentials, the creation of a hostile environment or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to subject a person to egregious, unwanted sexual attention; to punish a refusal to comply; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; and gender based bullying.

Sexual Harassment falls into two categories:

1. **Quid Pro Quo:** unwelcome sexual advances or requests for sexual favors from an individual in an authoritative role, and in exchange for a grade, job, or promotion; or some other type of academic or employee related benefit.
2. **Hostile Environment:** unwelcome behaviors of a sexual nature that a realistic individual would find offensive, hostile, or intimidating in reference to their academic or employment future.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education.

Examples of verbal sexual harassment may include but are not limited to:

1. Sexually explicit questions that are of an intrusive nature
2. Vulgar or offensive and suggestive sexual comments
3. Name calling that is degrading or gender based
4. Persistent sexual slurs or innuendos
5. Rating of a person's physical appearance
6. Unwanted sexual harassment such as notes, letters, telephone calls, emails, social media messages or pins that are of a sexual nature.

Examples of non-verbal sexual harassment gestures and behavior may include but are not limited to:

1. Stalking of a sexual nature
2. Ogling or leering of the physique
3. Intentionally observing nudity or sexual acts of another person's without their knowledge
4. Inappropriate hand or body movements that are of a sexual nature
5. Vulgar display of materials that are of a sexual nature, such as, pictures, calendars, cards, social media.

Examples of physical sexual harassment may include but are not limited to:

1. Sexual violence, such as:
  - a. Physical assault
  - b. Attempted rape, or rape

- c. Coerced sexual activity
  - d. Initiating a sexual activity with an individual who is incapacitated and unable to consent due to alcohol, drugs, or physical/mental condition.
2. Physically forcing unwanted physical contact on an individual that is considered sexual in nature, such as: patting, pinching, hugging, hitting, or touching of a person's body, hair, or clothing.
3. Physically forcing or attempting to force a person to be kissed, fondled, or mauled.

**Retaliatory Harassment:** Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct. Intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a complaint/grievance procedure.

**Sexual Harassment of a Student by Another Student:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a student toward another student that is so severe, persistent, or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities. For example, if a student repeatedly asks another student out on dates, even though he or she has turned down the invitation numerous times is considered harassment. It is harassment to subject a person to egregious, unwelcome sexual attention.

**Sexual Harassment of a Faculty/Staff Member by a Student or Another Employee:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature directed toward a faculty/staff member that is so severe, persistent, or pervasive that it unreasonably interferes with employment or living conditions or deprives the individual of employment access or benefits. It is harassment to subject a person to egregious, unwelcome sexual attention.

**Sexual Harassment of a Student by a Faculty/Staff Member/ Campus Visitor:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a faculty, staff member or campus visitor toward a student are held to constitute sexual harassment when:

- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating an individual's educational development or performance; or
- Such conduct is so severe, persistent or pervasive that it unreasonably interferes with or limits a student's ability to participate in or benefit from the college's educational programs or activities.

While a particular interaction must be offensive to both a reasonable person and to the victim to be defined as harassment, faculty or staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

Harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff

relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the accused individual, and to the climate of the institution. For example, a professor attempts to coerce an unwilling student into having sex with him/her in exchange for a good grade or some other benefit. This is harassment regardless of whether the student accedes to the request and regardless of the student's final grade.

**Consensual Sexual Encounters:** A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. Consent is freely and consensually communicated willingness to participate in sexual activity, expressed by either words or unambiguous actions. Consent can only be given or implied by someone who acts freely, voluntarily, and with knowledge and competency of the nature of the act involved. The responsibility falls on the initiator of the sexual activity to ensure that he or she has the consent of the other person involved to engage in the sexual activity. Moreover, the consent must be present throughout the sexual activity by all parties involved. The consent for the sexual activity may NEVER be coerced through the use of force, coercion, intimidation, or if the victim is mentally or physically disabled or incapacitated; this includes through the use of drugs or alcohol. In addition, consent cannot be inferred from previous sexual activity, but must be obtained each time the parties take part in sexual activity.

**Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact
- Any intentional bodily contact in a sexual manner

**Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse is any sexual intercourse however slight, with any object by a man or woman upon a man or a woman that is without consent and/or by force.

**Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy or prostituting another person
- Non-consensual video or audio-taping of sexual activity
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)
- Engaging in voyeurism
- Knowingly transmitting an STI or HIV to another person
- Exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals

Sexually-based stalking and/or bullying may also be forms of sexual exploitation.



**Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- In order to give effective consent, one must be at least sixteen years-old.
- Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this policy.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Alcohol or other drug use, unconsciousness or blackout is an example of incapacitation.
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation and coercion that overcome resistance or produce consent. For example: “Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”

1. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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.

NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

**Sexual Assault:** Sexual assault is defined under the 2013 Violence against Women Act-Sec. 304, as:

1. An offense classified as forcible or non-forcible sex offense under the uniform crime reporting system of the FBI.
2. A Forcible sex offense “is defined as an sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.”

3. A Non-forcible sex offense “is defined as unlawful, non-forcible sexual intercourse, including sex with a minor or incest.”

**Dating Violence:** Under VAWA, Section 304, dating violence is committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. Length of the relationship
  - b. Type of the relationship
  - c. Frequency of interaction between the persons involved in the relationship
3. Includes sexual or physical abuse or the threat of such abuse (does not include emotional or psychological)

**Domestic violence** is defined under Section 304 of VAWA as:

1. Felony or misdemeanor crimes of violence committed by:
  - a. A current or former spouse or intimate partner of the victim
  - b. A person with whom the victim shares a child in common
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
  - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - e. Any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction

**Stalking** is defined as:

1. Engaging in a course of conduct (two or more acts) in which the stalker engaged in behavior either directly or indirectly or through a third party
2. Engaged in an action, method, device or means to follow, monitor, surveil, threaten or communicate about a person
3. Directed at a specific person that would cause a reasonable person to:
  - a. Fear for his or her safety or the safety of others
  - b. Suffer substantial emotional distress (significant mental suffering or anguish)

## **Policy Expectations With Respect to Consensual Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become

unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The college does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the college. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are strongly discouraged.

## **Confidentiality**

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that any information received as part of the college's resolution and complaint procedures is treated discreetly. All parties to the complaint will be asked to assist in maintaining the privacy of the parties involved. Because of the college's obligation to investigate allegations of misconduct, it is not possible to guarantee that complaints will be handled confidentially.

Except as compelled by law, in the interest of fairness and problem resolution, disclosure of complaints and their substance and the results of investigations and complaint procedures will be limited to the immediate parties, witnesses and other appropriate administrative officials. Disclosure may also be necessary to conduct a full and impartial investigation.

## **Complaint/Grievance Procedure**

These procedures are intended to apply to student grievances against employees, employee civil rights grievances against students, and student-on-student civil rights grievances. All other grievances by students against students or employees will be addressed through other student conduct procedures. The college benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the college community.

## **Informal Complaint Resolution**

Before pursuing the formal complaint process, every reasonable effort should be made to resolve issues with students, faculty, staff, or administrators. Whenever possible and safe, the problem or complaint should first be discussed with the individual involved in the complaint. If satisfactory resolution is not reached after discussion with the individual, the complainant should contact the individual's direct supervisor to resolve the complaint. If these efforts are unsuccessful, the formal complaint process may be initiated. The college does not require a complainant to contact the person involved or that person's supervisor if doing so is impracticable, or if the complainant believes that the conduct cannot be effectively addressed through informal means.

## **Formal Complaint / Grievance Procedures**

### *Responsibility to Report*

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment is strongly encouraged to report it. The college must

know about incidents of sexual harassment in order to stop them, protect victims, safeguard the rights of complainants and respondents, and prevent future incidents.

It is the responsibility of college faculty, administrators, and supervisors to report complaints of sexual harassment that they receive and of possible sexual harassment of which they become aware. When there is a relationship that involves legally recognized professional confidentiality between the complainant and the person to whom the harassment is reported, the report may be withheld at the request of the complainant.

### *Notification*

Students, faculty members, administrators, staff members, or visitors to Black River Technical College are strongly encouraged to report allegations of discrimination or harassment to the Title IX Coordinator, Deputy Coordinators, or other college official. Contact information for the Coordinator, Deputy Coordinators and other college officials can be found in the printed Title IX Resource Guide and on the college website under Campus Security. A report of sex discrimination or harassment should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate. Reports may be made by the person experiencing the discrimination or harassment or by a third party, such as a witness or someone who is told of the discrimination or harassment.

Upon receipt of the complaint, the Title IX Coordinator will open a formal case file and the investigation will begin.

## **Investigation**

1. The Title IX Coordinator will assign investigators to each case. Investigators will ensure that accommodations for the complainant and the respondent or other necessary remedial short-term actions are successfully met.
2. Investigators will:
  - a. Identify the correct policies allegedly violated.
  - b. Conduct an immediate initial investigation to determine if there is reasonable cause to charge the respondent(s).
  - c. If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action.
  - d. Meet with the complainant to finalize the grievance.
  - e. Prepare the notice of charges on the basis of initial investigation.
  - f. Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the respondent.
  - g. Conduct a thorough, reliable, and impartial investigation. Witnesses may or may not be given notice prior to the interview.
  - h. Complete the investigation promptly, and without unreasonable deviation from the intended timeline.

- i. Make a finding on the case, based on a preponderance of the evidence which indicates that it is more likely than not that a policy violation has or has not occurred.
  - j. Prepare a complete report on the investigation and its findings to present to the Deputy.
3. Following the investigation, the Title IX Coordinator will distribute a written Letter of Determination to the affected parties.
  - a. The individual (s) alleged to have committed discrimination or harassment may accept the findings; accept the findings in part and reject the findings in part; or reject all findings.
  - b. The complainant will also be notified of the outcome of the investigation at this time.
4. If the findings indicate that it is likely that the alleged discrimination or harassment has not occurred, the investigation will be closed.
5. Where the findings indicate that it is more likely than not that the alleged discrimination or harassment has occurred, and the respondent(s) accepts the findings that s/he violated college policy, an appropriate sanction will be imposed by the Title IX Coordinator, in conjunction with the Deputy Coordinator. The College President is informed of the proposed sanctions and has final approval for these sanctions. Black River Technical College will act to end the discrimination, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the Black River Technical College community.

## **Hearing**

If a respondent alleged to have committed discrimination or harassment rejects the findings of the case in part or in their entirety, he or she must notify the Title IX Coordinator in writing within five business days. Acceptable means of notification include email, fax, hand delivery or postal delivery. The Title IX Coordinator will convene a hearing to discuss the contested aspects of the case.

At the hearing, the findings of the investigation will be admitted and the Investigator may give evidence. The hearing will determine whether it is more likely than not that a violation of policies has occurred. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

If the hearing board determines that it is more likely than not that a violation has occurred, the Title IX Coordinator will impose appropriate sanctions for the violation, in conjunction with the hearing board and the Deputy Coordinator. The College President will be informed of the proposed sanctions and has final approval of the sanctions. BRTC will act to end the

discrimination or harassment, prevent its recurrence, and remedy its effects on the person who filed the complaint and on the BRTC community.

If the hearing board determines that no violation has occurred, the case will be closed.

Following the hearing, the Title IX Coordinator will send a second letter of determination to the complainant and respondent.

## **Appeals**

A complainant or respondent may appeal the findings of an investigation under specific circumstances. The complainant or respondent must contact the Title IX Coordinator within five business days of receiving the letter stating findings and sanctions. Acceptable means of notification include email, fax, hand delivered notification, or postal delivery. The grounds for an appeal are as follows:

1. A procedural error or omission occurred that significantly impacted the outcome of the investigation.
2. There is new evidence, unknown or unavailable during the original investigation that could substantially impact the original finding or sanction.
3. The sanctions imposed are substantially disproportionate to the severity of the violation.
4. Failure to participate earlier in the process will NOT suffice as grounds for an appeal.

If the Title IX Coordinator determines that a material procedural or substantive error occurred, an administrator who was not involved in the original complaint will review the appeals materials and make a final determination. The results of a reconvened hearing cannot be appealed.

The appeal procedure and determination will typically be completed within 20 business days.

The procedures governing the hearing of appeals include the following:

- Sanctions imposed are implemented immediately unless the party determining the sanction stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- All parties should be informed in a timely manner of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
- Appeals are not intended to be full re-hearings of the complaint, with the exception of substantiated cases of bias. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal
- The Title IX Coordinator will render a written Letter of Determination to the affected parties.

## **Complaint and Grievance Process Provisions**

### *Time Periods*

All effort will be made to make a determination in no more than 60 calendar days of filing a formal complaint/grievance.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and Black River Technical College closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. In the event that this step is necessary, the Title IX Coordinator or the respective deputy will notify the complainant who filed the grievance in writing within the set timeline.

### *No Retaliation*

Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited by Black River Technical College policy and federal and state law. A person who believes retaliation has occurred should notify the Title IX Coordinator as soon as possible.

### *False Reports*

Black River Technical College will not tolerate intentional false reporting of incidents. It is a violation of the Codes of Conduct governing Black River Technical College to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### *Office of Civil Rights Complaint*

Although complainants are encouraged to attempt to resolve complaints pertaining to discrimination by utilizing this Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR) (Dallas regional office). Information regarding applicable timelines and procedures is available from OCR.

### *Effective Date*

The policy in force at the time a formal complaint is made is the policy that will be used throughout the investigation, hearing and any appeals that are heard.

Black River Technical College reserves the right to make changes and amendments to this policy and procedure as needed, with appropriate notice to the community.

## **Statement of the Rights of Complainant**

- The right to be treated with respect by college officials.
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators.
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the complainant's

own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the complainant as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the complainant party.

- The right not to be discouraged by college officials from reporting an assault to both on-campus and off-campus authorities.
- The right to be informed in a timely manner of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within five (5) business days of the end of the conduct hearing.
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
- The right to notification of options and assistance for changing academic or employment situations after an alleged sexual assault incident. These changes will be made if they are reasonably available and desired by the victim. No formal complaint, or investigation, campus or criminal, need occur before this option is available. Accommodations may include:
  - Exam (paper, assignment) rescheduling
  - Taking an incomplete in a class
  - Transferring class sections
  - Temporary withdrawal
  - Alternative course completion options
  - Alternative work assignments and/or supervisory changes
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right not to have any complaint of sexual assault mediated (as opposed to adjudicated.)
- The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction.
- The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining person or others.
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus disciplinary officials.
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution.
- The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law.



- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged complainant, which will always be revealed.)
- The right to preservation of privacy, to the extent possible and allowed by law.
- The right to a hearing closed to the public.
- The right to petition that any member of the conduct body be removed on the basis of demonstrated bias.
- The right to give testimony in a campus hearing by means other than being in the same room with the respondent.
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses.
- The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
- The right to be present for all testimony given and evidence presented before the conduct body.
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training.
- The right to conduct officials comprised of representatives of both genders.
- The right to have college policies and procedures followed without material deviation.
- The right to be informed in advance of any public release of information regarding the complaint.
- The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

### **Statement of the Rights of Respondent**

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators against the respondent.
- The right to be treated with respect by college officials.
- The right to be informed of and have access to campus resources for counseling and advisory services.
- The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions.
- The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation.
- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.
- The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction.
- The right to appeal the finding and sanction of the conduct body, in accordance with the standards for appeal established by the institution.

- The right to review the complainant's testimony and all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law.
- The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the respondent for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed.)
- The right to a hearing closed to the public.
- The right to petition that any member of the conduct body be removed on the basis of bias.
- The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct adjudication training.
- The right to have college policies and procedures followed without material deviation.
- The right to have an advisor or advocate to accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the respondent's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the respondent as necessary. The college should be notified five (5) business days in advance of the hearing if an advisor or advocate will accompany the respondent.
- The right to a fundamentally fair hearing, as defined in these procedures.
- The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice.
- The right to written notice of the outcome and sanction of the hearing.
- The right to conduct officials comprised of representatives of both genders.
- The right to be informed in advance, when possible, of any public release of information regarding the complaint.

# **Frequently Used Telephone Numbers**

## **Vice President of Student Affairs**

870-248-4029

## **Accessibility**

870-248-4014

## **Admissions & Advising**

870-248-4011

## **Bookstore**

870-248-4040

## **Campus Security – Paragould**

870-239-5009

## **Campus Security - Pocahontas**

870-248-4034

## **Career Counselor**

870-248-4158

## **Career Pathways**

870-248-4064

## **Completion and Retention Specialist**

870-248-4179

## **Default Manager**

870-248-4022

## **Emergency**

911

## **Fax**

870-248-4100

## **Financial Aid**

870-248-4017

## **Finance and Fees**

870-248-4033

## **Graduation/Diplomas**

870-248-4000 Ext. 4028

**Learning Center/Tutoring**  
870-248-4041

**Library**  
870-248-4060

**Paragould Campus**  
870-239-0969

**Recruitment/Concurrent Enrollment**  
870-248-4157

**Scheduling Campus Facilities**  
870-248-4070

**Transcripts and Records**  
870-248-4016

**Veterans Affairs**  
870-248-4011