

- D. The individual filing the allegation or the individual accused of misconduct may appeal in writing within 8 hours after receiving the decision of the Judicial Affairs Committee to the President of the College.

Generally, one or more of the following conditions must be fulfilled for an appeal to be granted:

- a. Clearly show that the hearing was unfair.
- b. Show that relevant evidence had not been reviewed.
- c. Submit new evidence.

Parties to the hearing must appear in person.

### C. Administration of Conduct Records

1. The College shall enter disciplinary actions on the student's transcript only where the student has been suspended, dismissed or expelled (only in severe situations).
2. The notation on the transcript may be removed after the completion of the institutional sanctions of suspension if deemed appropriate by the Judicial Affairs Committee.
3. A student's previous conduct record shall be considered in the adjudication of subsequent violations.
4. The College shall hold in a file, separate from the student's permanent file, the record of any disciplinary action taken until five years after the student has left the institution by withdrawal. The record of a student expelled shall be kept in a separate file indefinitely.
5. Access to a student's discipline folder will be restricted to:
  - a. College personnel authorized by the Vice President for Transfer Education and Student Success.
  - b. The accused on one day's written notice. It will be made available to other persons only with the consent of the student(s) involved.

## III. SEXUAL MISCONDUCT POLICY

East Arkansas Community College has established the following policy regarding sexual offense.

### A. Commitment

East Arkansas Community College is committed to having a positive learning and working environment for its students and employees and will not tolerate sexual misconduct, which includes sexual harassment, a type of discrimination based upon gender, and other forms of sexual misconduct. Sexual harassment is a violation of Federal law as stated in Title VII of the Civil Rights Act of 1964 and in Title IX of the 1973 Education Amendments. Sexual violence has most recently been addressed by the Reauthorization of the Violence Against Women Act and the Campus SaVE Act. A copy of these laws may be obtained in the Human Resources Office of East Arkansas Community College. Students and employees of East Arkansas Community College who may be a victim of a sexual offense are urged to report the offense, using the complaint procedures outlined in Section C of this

policy. Those with a complaint may also press charges with the legal system outside of the College. In an effort to provide a safe environment for the College community, East Arkansas Community College may file charges against an alleged offender.

### B. Definition

Sexual misconduct consists of verbal or physical behaviors related to a person's gender and which create an intimidating, hostile or offensive environment. Sexual harassment may involve the behavior of a person of either sex against a person of the same or opposite sex. It may include student to student conduct, employee to student conduct, student to employee conduct, or employee to employee conduct.

Sexual harassment consists of the following:

**Nonverbal** – suggestive or insulting sounds, leering, whistling, obscene gestures and visual displays.

**Verbal** – unwanted statements (written or spoken) drawing upon sexual innuendo, suggestive comments, insults, sexual humor or jokes emphasizing gender-specific traits or clothing, sexual propositions (including repeated, unwelcome invitations to social engagements) or sexual threats.

**Physical** – unwanted touching, pinching, patting, hugging or brushing of one's body. In its most extreme form, sexual harassment includes coerced sexual intercourse (e.g., acquaintance or date rape) and sexual assault.

**Hostile environment** – A pattern of unwanted sexual behaviors (verbal, non-verbal and/or physical) which makes the work or academic situation intolerable may constitute sexual harassment even though reward for submission or reprisal for refusing have not been indicated. Employees and students who are not the direct object of harassment may still make a claim under this policy if forced to work or study in an atmosphere of pervasive harassment.

**Sexual Assault is defined by Arkansas Code 5-14-101 through 110 as non-consensual sexual activity.**

**Consent is defined as clear, knowing and voluntary permission. In and of itself, silence cannot be interpreted as consent. Consent may be given by words or actions as long as such creates a mutually understandable and clear position regarding one's willingness to engage in and the parameters of participation in an activity.**

### C. Complaint Procedures

Those who feel they have been victimized under the definitions of this policy are encouraged to use the following complaint procedure. Confidentiality cannot be guaranteed, but all efforts will be made to ensure the privacy of the victim and the accused. Both the victim and the accused will be given a copy of their rights.

Students and employees that wish to report an incident of sexual misconduct, file a charge through the informal

process, or file a charge through the formal process should contact EACC's Title IV coordinator in person located in the Hodges Student Services Complex, by phone 870-633-4480 ext. 252 or through email [ejames@eacc.edu](mailto:ejames@eacc.edu)

Two alternatives exist for entry into the process to resolve charges of sexual offenses. One method is informal and the other is formal, both of which are described as follows:

- 1. Informal Process** – The purpose of the informal complaint method is to enable a complainant to resolve a problem without pursuing a formal grievance procedure due to its sensitive nature. However, at any time during the process the complainant may choose to file a formal complaint. Students will report a complaint to the Title IV Coordinator who will then inform the Vice President of Transfer Education and Student Success. Mediation will be utilized as soon as possible to resolve the problem.
- 2. Formal Process** – If the complainant should wish to begin a formal investigation of the matter, following, or in lieu of any informal meetings, written charges of discrimination shall be filed with the Title IV Coordinator who will then inform the Chairman of the Judicial Affairs Committee on a complaint form which will be provided by the Chairman.

The Judicial Affairs Committee will serve as an investigation and disciplinary board for these complaints. Disciplinary decisions made by this board will be final with the exception of an appeal which may be made by the complainant or the accused to the President of East Arkansas Community College.

In the event it is deemed that there is an immediate threat to a complainant or others the appropriate Vice President along with the Title IV Coordinator may take appropriate action by implementing safety and peace.

#### **D. Records**

All original records of the final disposition of an informal or formal complaint will be forwarded and kept by the President of East Arkansas Community College. These are confidential and are not made available to unauthorized persons except upon written consent of the accused student or employee or in response to legal process; or on the request of a panel in a subsequent action.

No records will be kept in the complainant's personnel or student file. If the accused is found guilty in a formal hearing, an appropriate notation will be placed in that student's or employee's file. Anonymous reports of rape or attempted rape will be forwarded to the Vice President for Transfer Education and Student Success for statistical purposes.

#### **E. Retaliation**

Retaliation against anyone reporting or thought to have reported sexual offense behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint of a sexual offense is substantiated. Encouraging others to retaliate also violates the policy.

#### **F. False Reporting**

False Reporting will not be tolerated at East Arkansas Community College. False reporting of sexual misconduct or any retaliation against a person who reports, files, testifies, assists, or participates in the process is strictly prohibited and will result in app action as specify in the student handbook or faculty/ staff handbook.

### **IV. ACADEMIC INTEGRITY**

The following misconduct is or may be subject to disciplinary action: all forms of student academic dishonesty, including cheating, fabrication, facilitating academic dishonesty, and plagiarism.

Cheating means intentionally, recklessly, or negligently using or attempting to use unauthorized materials, information, or study aids in any academic exercise, activity, or project of any description, or assisting another student in the use of such unauthorized materials. Cheating includes plagiarism, which is an extremely serious violation of academic integrity.

East Arkansas Community College defines plagiarism as follows: "Plagiarism includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any other means another's work and the submission of it as one's own academic work offered for credit." Plagiarism can occur in a myriad of forms and media. Although most commonly associated with writing, all types of scholarly work, including computer code, music, scientific data and analysis, and electronic publications can be plagiarized.

#### **A. Possible sanctions:**

When a student commits an act of academic dishonesty, one or more of the following sanctions may be imposed:

1. The student may receive an "F" for the assignment, test, or paper.
2. The student may receive an "F" for the course. The student may not withdraw from the course except with a grade of "WF."
3. The student may be expelled from the class by the appropriate college officials.
4. The student may be suspended from the college for a definite period of time by the appropriate college officials.
5. The student may be expelled from the college by the appropriate college officials.

#### **B. Procedures**

The following procedures for acts of academic dishonesty will be followed: