

ARKANSAS SENATE

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of Senate Bill No. 365

TO CREATE THE ARKANSAS STUDENT DUE PROCESS AND PROTECTION ACT; AND TO ESTABLISH PROCEDURAL PROTECTIONS FOR STUDENT CONDUCT DISCIPLINARY PROCEEDINGS AT PUBLIC TWO-YEAR AND FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION.

Amendment No. 1 to Senate Bill 365

Amend Senate Bill No. 365 as originally introduced:

Page 9, delete lines 3 through 21, and substitute the following:

"(a)(1) Nothing in this subchapter precludes an institution from providing at any time an individualized service to an accused student or an accusing student that is nondisciplinary, nonpunitive, reasonably available, and without fee or charge to the accused student or accusing student.

(2)(A) An individualized service offered to an accused student or accusing student under subdivision (a)(1) of this section shall be designed to restore or preserve equal access to the institution's education programs or activities without unreasonably burdening the other party.

(B) An individualized service offered to an accused student or accusing student under subdivision (a)(1) of this section may be designed to protect the safety of all involved parties or the institution's educational environment, which may include without limitation:

(i) Counseling;

(ii) Extensions of deadlines or other course-related adjustments;

(iii) Campus escort services;

(iv) Mutual restrictions on contact between the involved parties;

(v) Modifications of class schedules or housing locations;

(vi) Increased security and monitoring of certain areas of the institution's campus; and

(vii) Other similar services.

(b)(1) An institution may remove an accused student from the institution's programs or activities on an emergency basis if the institution:

(A) Undertakes an individualized safety and risk analysis;



(B) Determines that an immediate threat or the safety of a student or another individual arising from the allegations of misconduct justifies removal of the accused student; and

(C) Provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.

(2) An institution that removes an accused student on an emergency basis under subdivision (b)(1) of this section shall:

(A) Within twenty-four (24) hours of an institution removing an accused student on an emergency basis, provide written notice to the accused student that explains the institution's reasons for removing the accused student on an emergency basis;

(B)(i) Within three (3) business days of the written notice required by subdivision (b)(2)(A) of this section, unless otherwise waived by the removed accused student, convene an interim hearing to determine whether there is"

AND

Page 9, line 22, delete "the accused" and substitute "the removed accused"

AND

Page 9, line 22, delete "physical" and substitute "health or"

AND

Page 9, delete lines 23 through 25, and substitute the following:
"safety of any student or other individual and that the emergency removal of the accused student is appropriate to mitigate that risk.

(ii)(a) At an interim hearing, the removed accused student"

AND

Page 9, line 27, delete "in the interim measure hearing" and substitute "to the same extent as in a final hearing to determine responsibility"

AND

Page 9, line 28, delete "(ii) An" and substitute "(b) An"

AND

Page 9, line 30, delete "(b)(2)(B)(i)" and substitute "(b)(2)(B)(ii)(a)"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

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Secretary