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**SUBJECT: STUDENT RIGHTS, RESPONSIBILITIES AND CONDUCT**

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- I. **PURPOSE:** Southern Utah University is maintained and governed by the following three values: Academic Excellence; (2) Community and Social Responsibility; (3) Involvement and Personal Growth. Accordingly, the University has implemented policies that reinforce those values. As an educational institution, the University is concerned with the formal, in-class education of its students as well as their growth into mature men and women who conduct themselves as responsible citizens.

The uniqueness of the academic community requires particular sensitivity to the individual rights of the students and the rights of the University community. Rules and regulations are imperative as a basis for the orderly conduct of University activities and for maintaining an environment conducive to study, recreation and personal growth. Regulations are intended to create sound living and learning conditions for all members of the campus community, and to promote an atmosphere that encourages personal integrity.

The following policies are based upon the premise that students and groups have the capacity to assume responsibility for their own behavior and that the University has the authority to establish an internal structure for enforcement of its policies and procedures which students have agreed to accept by enrolling at the University. Conversely, students have the right to expect the University to fulfill its educational responsibilities as effectively as its capacity and resources permit.

Since rights carry with them certain responsibilities, the following rights and responsibilities — institutional as well as student — are set forth.

- II. **BASIC RIGHTS:** The following is not intended to deny or limit the rights of students in any way. Rather, it is intended to focus special attention on the rights listed because of their importance in the educational process. Southern Utah University students may freely and openly exercise the following freedoms as long as their actions do not interfere with the regular operation of the University:
- a. Campus Expression - Free inquiry, expression, and assembly are guaranteed to all students subject to the limitations of this document and other University regulations and policies, which are consistent with the provisions of the Constitutions and laws of Utah and the United States. Public statements and demonstrations by individual members of the University community or organizations shall be clearly identified as representative only of those individuals or organizations and not of the University. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or the institution.



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- b. Pursuit of Goals - Students are free to pursue their educational goals; appropriate opportunities for learning shall be provided by the University.
- c. Equal Protection - No student shall be subject to any regulations that discriminate on the basis of race, gender, color, age, religion, sexual orientation, national origin, veteran's status, marital status or legally recognized disability. Any individual living in a community must respect the rights of others in that community. Students are responsible for their actions. They are obligated to respect authority, to be truthful, to maintain standards of academic performance, to respect the rights of others and to protect private and public property. Students must uphold federal, state and local laws, as well as University regulations. In keeping with this philosophy the following statements have been established to protect these rights:
  - d. Equal Opportunity: SUU does not discriminate in admission, employment or in any other activity on the basis of race, gender, color, age, religion, sexual orientation, national origin, veteran's status, marital status or legally recognized disability.

All student requests for disability accommodations and assistance should be directed to the Coordinator of Services for Student with Disabilities located in the Student Support Center on the second floor of the Sharwan Smith Center. Students who feel they have been discriminated against because of a disability should contact the Coordinator.

- e. Privacy: Southern Utah University complies with the Family Educational Rights and Privacy Act. Questions concerning this policy may be referred to the University Registrar. (See University Policy #11.3)

### III. STUDENT CODE OF CONDUCT

Generally, University jurisdiction and discipline shall be limited to conduct that occurs on University premises, at any official University function or activity regardless of location, for action that adversely affects the University community's pursuit of its educational or other legitimate objectives, or that adversely affects the community at large.

Although not inclusive of all conduct that may result in University sanctions, the following misconduct is subject to disciplinary action, including possible suspension or dismissal from the University.



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A. Abusive, Disorderly, or Obscene Conduct

1. Abusive Conduct

Any use of words or acts against one's self or others that causes physical injury (See UCA 76-5-102 ) or that demeans, intimidates, harasses, threatens or otherwise interferes with another person's rightful actions or comfort. This includes but is not limited to, verbal abuse, physical batteries, and sexual misconduct.

Intimidation is using words or gestures or committing acts with the intended or actual result that a reasonable person feels bullied or fearful, where such words, gestures or acts serve no legitimate purpose. This includes but is not limited to unlawful coercion, extortion or duress.

Conduct that is harassing is defined as any words, gestures or actions directed at an individual or group that may cause a reasonable person to experience fear or intimidation.

Sexual misconduct (See UCA 76-9-702 (3)) is sexual contact without consent and includes (1) intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs, anus or buttocks; (2) rape (See UCA 76-5-402 , sexual intercourse without consent, whether by an acquaintance or a stranger) and attempted rape; (3) sodomy (See UCA 76-5-403, oral or anal intercourse) without consent; attempted forcible sodomy; or (4) sexual penetration with an object without consent (See UCA 76-5-402.2. To constitute a lack of consent, (See UCA 76-5-406) the act(s) must be committed either by force, intimidation, or through the use of the victim's mental incapacity or physical helplessness (which includes the victim being voluntarily or involuntarily under the influence of alcohol or other incapacitating substances).

2. Disorderly Conduct/Conduct Infringing on the Rights of Others (See UCA 76-9-102 )

This includes all behavior that either intentionally or recklessly (without prudent regard) disrupts or interferes with the orderly functioning of the University or disturbs the peace and/or comfort of persons or interferes with the performance of duties by University personnel, including, but not limited to:

- (a) refusing to comply with the lawful order of the police to move from a public place, or knowingly creating a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or



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- (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:
- (i) engaging in fighting or in violent, tumultuous, or threatening behavior;
  - (ii) making unreasonable noises in a public place;
  - (iii) making unreasonable noises in a private place which can be heard in a public place; or
  - (iv) obstructing vehicular or pedestrian traffic.

3. Obscene Conduct

Any conduct or expression that is lewd, repulsive, deeply offensive to decency or indecent. Additional sanctions may apply when such conduct or expression occurs in a place or under circumstances which does or reasonably could cause a breach of the peace or disorderly conduct. (See UCA 76-10-1506 )

B. Actions Related to Criminal Offenses

Any student arrested, charged with, and/or convicted of a serious criminal offense may be subject to University disciplinary actions. A “serious criminal offense” will be defined by any felony, or misdemeanor related to the harm or attempted harm to another person; related to the theft/violation or attempted theft/violation of another person’s property, habitation, computer system or personal privacy; related to the sale or possession of or attempted sale or possession of an illegal or controlled substance; or, related to the actual or attempted disruption of the University’s conduct of academic, cultural, athletic, or other programs and services.

Students arrested or charged with a serious criminal offense may be subject to an immediate interim suspension pending a University investigation into the allegations. Such interim suspension may be made permanent upon final conviction, without further proceedings, at the discretion of the Vice President of Student Services. Other sanctions such as probation or restriction from certain campus venues or activities may also be imposed at the discretion of the Vice President, without further on-campus proceedings.

In the event that conviction does not result, the Vice President for Student Services may convene an on-campus hearing to determine whether the alleged criminal activity violates this Student Code of Conduct, or otherwise poses a significant or meaningful threat to the campus community, with any such finding to result in appropriate restriction or sanction upon the violating student. (See Section II, Part III, below.)

C. Alcoholic Beverage Policy

Possession, consumption or distribution of alcoholic beverages except as expressly permitted by Utah law and University regulations. Students found on campus in the presence of alcoholic beverages are also subject to disciplinary action.



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Southern Utah University supports and encourages an alcohol-free educational experience. The University fully complies with the alcohol regulations of the State of Utah.

D. Damage or Destruction

Damage to or destruction of University property or property of a member of the University community or other personal or public property while on University premises or at University sponsored functions.

E. Drugs

1. Use, possession or distribution of narcotic or other controlled substances. (See UCA 58-37-1)
2. Being in the presence of or under the influence of illicitly obtained or illegal controlled substances
3. Possession of drug paraphernalia including but not limited to bong, bowls, hooka pipes, scales, and roach clips (See UCA 58-37a-3)
4. Due to concerns regarding the psychoactive effects of Salvia Divinorum, use, possession, or distribution of "Salvia" is prohibited. Such behaviors may result in the imposition of University sanctions.

Southern Utah University fully supports and encourages a drug-free educational experience. The University complies with the drug regulations of the State of Utah.

F. Failure to Comply with a University Official

Failure to comply with a request of an authorized University official, including failure of a student to present his/her University identification card when requested by an authorized University official.

G. Failure to Observe Rules and Regulations

Failure to observe rules and regulations issued by the University, including all publications and notices pertaining to student life and student services.

H. Fireworks/Explosives/Hazardous Chemicals/Incendiary Devices

Illegal or unauthorized possession, storage, control or use of fireworks, explosives, incendiary devices or hazardous chemicals. This includes chemicals which, when combined with other substances, could be hazardous or present a danger to others. This includes storage in the residence halls and/or a vehicle parked on campus. (See UCA 76-10-306 )



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I. Firearms and Dangerous Weapons

Possession of any dangerous weapon or firearm, as defined by Utah law, upon the University campus, other property owned or controlled by the University, or within 1,000 feet of any structure, facility, or grounds owned or controlled by the University, unless otherwise authorized by statute. This provision does not apply to a person's residence or a vehicle lawfully controlled by a person. (See UCA 76-10-505.5 and 76-3-203.2)

J. Hazing

Any act that causes humiliation, physical discomfort, bodily injury or ridicule, particularly where such is imposed as right of initiation or acceptance into a club, military organization, fraternity, sorority or onto an athletic team. (See UCA 76-5-107.5)

K. Involvement in a University Violation

Presence during any violation defined in this Code of Conduct, Responsibilities and Conduct that condones, supports or encourages the violation. Students who anticipate or observe a violation of University policy are expected to remove themselves from the situation and are encouraged to report the violation to the proper authorities.

L. Misuse of Equipment/Arson/Disregard of Fire Alarm/Tampering (See UCA 76-6-106, 76-6-102 and 76-6-703)

Using University equipment, vehicles, or other assets in a manner for which they are not intended. Examples include:

1. misuse of fire-fighting equipment, including tampering, removing or discharging a fire extinguisher or any other fire emergency equipment except when the need is real.
2. unauthorized burning of any material in any University building or on University property.
3. disregard of a fire alarm system or the refusal to vacate a building or section of a building when a fire alarm is sounding.
4. tampering with detection systems, including deliberately initiating a false alarm or creating conditions that result in a false alarm, or tampering which would cause a malfunction or non-function.
5. using University owned computers to access material that is obscene or pornographic, that could lead to abusive behavior, or result in damage or destruction of property.
6. tampering with any elevator, wiring, plumbing, or other University equipment/property without prior authority from the appropriate University official.



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7. unauthorized possession or use of keys to any University door or facility, or unauthorized entry to or use of those facilities.

M. Misuse of Identification Cards

1. Improper use of any identification card, including knowingly altering or mutilating a University identification card is prohibited.
2. Using the identification card of another or allowing one's own card to be used by another is a violation of university policy.

N. Stalking

"Stalk" is behavior directed at a specific person that frightens, intimidates, or harasses and serves no legitimate purpose. The course or pattern of behavior may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment. Such behavior need not be conducted personally and will be considered a violation if carried out in whole or in part using a computer, e-mail, telephone, cell phone, or other communication device. Such behavior conducted using University computers or communications systems, in addition to other appropriate sanctions, may also result in forfeiture of computer or communication privileges.

Students found in violation of this policy may be subject to judicial action as outlined in policy 13.20.