



SUBJECT: STUDENT RESPONSIBILITIES AND RIGHTS

- I. PURPOSE: To provide a policy that delineates student responsibilities and rights and a process for addressing student violations of the Policy.
- II. POLICY:
 - A. STUDENT CONDUCT OVERVIEW
 1. Students of Southern Utah University share with many others a vital interest in the essential mission of their college. True to its founders and motto, "Learning Lives Forever," Southern Utah University is a center of learning where students prepare in knowledge and self-discipline for the responsibility to make, as free men and women, a worthy contribution to the social, cultural, and economic progress their forefathers thus far advanced. This purpose forges a compelling bond of common interest among all administrators, faculty members, students, alumni, and fellow citizens of the region and state--who share the responsibility for cooperative action and support to fulfill it.
 2. Each student is expected to uphold and improve the partnership in his/her University, exhibiting conduct that respects the rights and interest of others. This code is designed to provide basic standards for student conduct to ensure the fulfillment of the common perspective stated above.
 3. As citizens of the larger community, students have all the responsibilities which devolve upon any citizen. While the University is deeply concerned with what happens to students both on and off campus, the University generally holds students to be adults responsible for their own actions and subject to local, state, and national laws, together with all related regulations.
 4. Students who violate these laws or regulations or the following standards of conduct will be subject to disciplinary action. Incidents occurring on the campus, or occurring off campus but present concern, will normally be handled by appropriate University agencies. Incidents occurring away from the campus which do not present concern for campus safety or University property will usually be under the jurisdiction of and subject to the prosecutorial discretion of local authorities. Students should be aware, however, that the campus is not a legal sanctuary and that local law enforcement officials have authority to intervene when circumstances warrant. Moreover, University officers may exercise authority and jurisdiction off campus



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and may call on outside officers for assistance when, in their judgment, such assistance is needed.

B. SEXUAL HARASSMENT

1. It is a violation of policy for any member of the University community to engage in sexual harassment. It is a violation of policy for any member of the University community to take action against an individual for reporting sexual harassment.
2. Sexual harassment in the academic community may involve unwelcome sexual advances, request for sexual favors, and other intimidating verbal or written communications or physical conduct of a sexual or sexually offensive nature. Sexual harassment takes various forms; inappropriate sexually related remarks or behavior; inappropriate and offensive sexual advances; solicitation of sexual activities or other sex-linked behavior by promise of reward; coercion of sexual activity by threat of punishment; and sexual assault.
3. Students who believe they have experienced any form of sexual harassment may obtain a copy of the Sexual Harassment Policy Statement and Procedures (Policy #5.27) from the Vice President for Student Services, Sharwan Smith Center, Room 201, (435) 586-7710 or may access a copy on the University web site under Policies and Procedures.

C. ON-CAMPUS BEHAVIOR

1. All members of the University are charged with the responsibility of maintaining order and discipline within their spheres of influence, i.e., instructors in classrooms, student officers in student organizations, head residents within residence halls.
2. Illustrations of improper behavior on the campus which can result in disciplinary action include, but are not limited to, the following:
 - a. Violation of federal, state or local laws or related guidelines. These generally include, but are not limited to: theft, assault, rape/sexual assault, trespass, gambling, impeding the conduct of University business, destruction of property.



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- b. Cheating, forgery, plagiarism, or other use of work belonging to another person.
- c. Stealing University records or altering or tampering with such records (including official identification cards), grades or transcripts.
- d. Violation of standards designed to protect the safety and welfare of others. Unless they hold a valid and current concealed weapons permit, students are not allowed to keep firearms on the campus. It is against University regulations to discharge a firearm loaded with live ammunition on the campus.
- e. Illegal or unauthorized entry **into or** upon the property of any University facility, or unauthorized possession or use of a key to a University facility. Also included is any misuse of University computers, violation of student computer accounts, and intentional interference with any aspect of institutional information technology.
- f. Improper protests and/or demonstrations or continual harassment of individuals. In keeping with its essential mission, the University provides a forum for the free exchange of ideas and the expression of all responsible points of view. At the same time, no persons, whether acting singly or in concert with others, will be allowed to resort to illegal actions which jeopardize the rights or safety of others; which endanger property; which may cause injury to any person; which violate the legitimate interest of others, such as interrupting classes, lectures, scheduled events, interviews, or administrative functions; or which in any way interfere with the operation of the University.
- g. Use of alcohol or other intoxicants or use, without medical supervision, or abuse of drugs controlled by law, including possession, use, or trafficking in marijuana, LSD, or other illegal drugs and/or controlled substances as defined by Utah Law.
- h. Violation of published University rules and regulations; failure to comply with the directives of a University official in the



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performance of his/her official duties; violating the terms of disciplinary probation during a period when a student is on probation.

- i. Unauthorized use of or attempt to access University computing systems, academic, business, or student computer accounts or databases.

D. OFF-CAMPUS BEHAVIOR

1. If a student is arrested away from the campus by a public law enforcement officer and charged with a crime and arraigned in a court of law, the disciplinary agencies of the University, at their discretion, may take action independent of any proceeding in the criminal or civil courts. Unless, in the opinion of University authorities, the presence of a student so charged constitutes a danger to others at the University, he/she may be permitted to continue in school until the court determines his/her innocence or guilt.
2. Serious offenses such as stealing, illegal use of drugs, or assault, whether occurring on or off campus, may be referred to courts of law. On the other hand, students arrested away from the campus for offenses that are associated with University activities may be referred to University authorities for disciplinary action. Violations occurring on campus are dealt with as civil offenses and addressed by judicial bodies of the University and those off campus whether civil or criminal are referred to appropriate courts of law.
3. If a student is convicted in a court of law of a serious offense, particularly a felony, he/she may be suspended or expelled from school by University authorities or designated committees. Such sanctions may be imposed, as a civil sanction in recognition of the University's obligation to protect other members of the University and to maintain an environment conducive to the pursuit of academic enterprises.

E. UNIVERSITY DISCIPLINARY AUTHORITIES

1. Students charged with violations requiring disciplinary action are referred to one of several authorized committees or boards; the Dean of Students in the office of the Vice President for Student Services, the



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Student Parking Appeals Committee, or the Student Disciplinary Board.

2. Each of these whose functions are described below--has a dual responsibility: (1) to maintain the safety and integrity of all members of the University community through upholding campus policy and applicable law, and (2) to safeguard the rights of all students, including those charged with violations of campus standards of conduct.
3. In all matters before University Disciplinary authorities, the principles of fair play and due process are followed. All persons present at the meetings shall treat the matters discussed therein with confidence. Each student accused of a violation is guaranteed certain rights and is hereby informed of those rights. Among them are the following:
 - a. The right to be informed in writing of the nature of any complaint or allegation brought against him/her.
 - b. The right to be heard before the appropriate authority, to be held no earlier than three days nor later than two weeks after the student is notified of the complaint/allegation against him/her. (The same procedure must be followed on appeals.)
 - c. The right to present witnesses and other relevant information on his/her behalf.
 - d. The right to hear and examine all relevant information presented against him/her and ask questions of witnesses either directly or through the chair of the committee or board.
 - e. The right to be accompanied by any person of his/her choosing, whether a fellow student, a counselor, or member of his/her family. An accused student also has, at his/her expense, the right to the assistance of an attorney. This assistance may include preparation for the hearing and attendance at the hearing. However, an attorney or other accompanying person attending a meeting should only advise the student. The nature of the proceedings is such that the student should plan to speak for him/herself and not by or through an attorney or other person.



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- f. The right to appeal any decision not otherwise determined to be final to the vice president or campus judicial body. Appeals must be filed within seven days following notification of decision.
4. A determination of culpability or lack thereof shall be based on a preponderance of the evidence. A preponderance of the evidence is defined as "the greater weight of the credible evidence." Or that it is more likely than not that the complaint/allegations are or are not valid. After notification, if a student does not appear, the meeting will be held in his/her absence and action rendered on the basis of evidence available. All such meetings are quasi-judicial in nature and are closed to persons not specifically authorized by the chair as a means of protecting the privacy of individuals and the intended confidential nature of the proceedings.

F. OFFICE OF THE DEAN OF STUDENTS

1. The Dean of Students (Dean) is responsible for a wide range of discipline cases referred from students, faculty, administrative staff, the housing office, and others. While the primary responsibilities of the Dean are to direct services for students, to formulate policies for student activities, and to counsel students, he/she also is charged with coordinating the activities of the various disciplinary agencies of the University.
2. Complaints/allegations of misconduct are referred to the Dean who notifies the student of his/her rights and refers the case to the appropriate committee/board. In minor cases and in certain cases of a confidential nature, the Dean has the authority to dispose of cases without referring them to other disciplinary agencies. The Dean is authorized to impose disciplinary sanctions, including social probation, housing probation, assessment of fines, and/or reprimand. In addition, in instances of concern for safety of the accused or of others on campus, the Dean may impose temporary suspension from school; however, such suspension must be referred to the Student Disciplinary Board for formal meeting and recommendations within five days after suspension. Any student suspended from classes who is later absolved by the Board shall have the right to make up all class work missed during the suspension. When a disciplinary sanction is specifically recommended, the Dean may accept, reject, or refer the



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matter back to the Board for further action. Upon acceptance, the Dean will issue formal notice to the student. The Dean may also counsel with members of the Student Services staff, students and/or faculty before rendering a decision or making a recommendation in a particular case.

3. The Dean in his/her capacity as coordinator of all campus disciplinary agencies is responsible for convening the Student Disciplinary Board. Requests for a hearing before the Student Disciplinary Board should be made through the Dean.

G. STUDENT PARKING CITATION APPEALS COMMITTEE

1. Enforcement of University traffic rules and regulations is vested in the Chief of Public Safety. Fines assessed for traffic violations must be paid to the University Cashier. Visitors are encouraged to park at the metered parking. An individual who is cited for illegal parking may appeal his/her ticket(s) to the appeals officer in the Public Safety Office.
2. Those who feel their cases warrant special attention may appeal to the Parking Citation Appeals Committee. The committee is composed of a faculty member, a staff member, a student member (judicial council member, if available) and a member of the Public Safety staff who will serve as a non-voting advisor. Appeals are made by filling out the appropriate appeal form in the Public Safety office in the Student Center within 14 days of the date on the ticket.

H. STUDENT DISCIPLINARY BOARD

1. The responsibility for disciplining students charged with serious violations is delegated to the Student Disciplinary Board. The Board has the authority to hear cases of students alleged to have violated University rules and regulations. The Board is also the appeals agency for students not satisfied with decisions made by the Dean of Students (Dean).
2. The Student Disciplinary Board is composed of three members of the SUUSA Judicial Council appointed by the Southern Utah University Student Association (both genders should be represented, whenever possible); one faculty and one staff member appointed by the President of the University (both genders will be represented); and the SUUSA



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Activities Vice President as an ex-officio member without a vote except in case of a tie.

3. The Dean is an ex-officio member of the Board. University Legal Counsel and Campus Public Safety personnel (in addition to possibly serving in a witness capacity) may attend meetings of the Board, in advisory capacities only.
4. Terms of office for faculty or staff members of the Board shall be for two academic years, and a member may be reappointed. Student members shall remain on the Board for as long as they retain their positions in student government. The President of the University shall appoint a chair of the Board from among its members.
5. In his/her capacity as coordinator of all campus disciplinary agencies, Dean has the responsibility to set the calendar for the Board, to counsel with students charged with violations of University regulations, advising them of their rights and informing them of the Board's action. The Dean will also be responsible for informing those designated to enforce the decisions of the Board of all Board action. (Policy #13.20 details the Student Disciplinary Board.)

I. THE VICE PRESIDENT OF STUDENT SERVICES AS APPELATE AUTHORITY

The SUU Vice President for Student Services at SUU is the final appellate authority for student discipline. Students having disciplinary sanctions imposed by the Student Disciplinary Board have the right to appeal that decision to the Vice President for Student Services. Appeals should be in writing and should be filed within seven days after a decision is rendered by the Disciplinary Board.

J. DISCIPLINARY PENALTIES AND SANCTIONS

1. In order to carry out its essential mission, the University has the authority to penalize or to impose sanctions against students who violate University regulations. Many of the penalties and sanctions which may be invoked by the various disciplinary agencies have been described above, but in general; possible punishments include the following:
 - a. Admonition or warning or reprimand.



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- b. Loss of privileges, for example: (a) Removal from University housing. (b) Discontinuation of scholarship, loan or other financial aid. (c) Denial of participation in University activities such as athletics, drama, forensics, student government.
 - c. Disciplinary probation, with or without loss of designated privileges for a stated period of time.
 - d. Suspension: Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time which may or may not be conditioned upon the student receiving and completing a course of pertinent therapy.
 - f. Expulsion: Termination of student status for an indefinite period of time.
 - g. Other sanctions as determined by the appropriate disciplinary agency, including the requirement that the student complete a special project, which may be, but is not limited to, writing an essay, attending a special class or lecture, or visiting with a counselor.
2. Restitution for stolen or damaged property may be required in addition to any of the sanctions listed above. The University may withhold awarding of degrees or awards or issuing transcripts of credit unless satisfactory arrangements are made regarding payment of fines or assessments or the clearing of other financial obligations to the University.

K. REINSTATEMENT PETITIONS

A student once suspended or expelled who seeks reinstatement to student status must do so by petitioning the Student Disciplinary Board through the Dean of Students. Upon such a petition the Board will convene and review the matter. In no case will the Board consider a petition that pre-dates the initial sanction unless the petition is approved and countersigned by the Dean. The Board may decline reinstatement or recommend reinstatement to the Vice President for Student Services whose decision will be final.